

Trial Hearing
WITNESS: CIV-OTP-P-0347

(Open Session)

ICC-02/11-01/15

1 International Criminal Court
2 Trial Chamber I
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé
5 ICC-02/11-01/15
6 Presiding Judge Cuno Tarfusser, Judge Olga Herrera Carbuccion and
7 Judge Geoffrey Henderson
8 Trial Hearing - Courtroom 1
9 Friday, 23 September 2016
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:35:35] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE TARFUSSER: [9:35:50] Good morning, Mr Witness.
15 WITNESS: CIV-OTP-P-0347 (On former oath)
16 (The witness speaks French)
17 THE WITNESS: [9:35:56] (Interpretation) Good morning, your Honour.
18 PRESIDING JUDGE TARFUSSER: [9:35:59] Good morning, Counsel. Good
19 morning to everybody here in the courtroom. I give immediately the floor to the
20 Office of the Prosecutor for the continuation of his questioning.
21 Yours the floor.
22 MR GARCIA: [9:36:13] (Interpretation) Thank you, your Honour.
23 QUESTIONED BY MR GARCIA: (Continuing)
24 Q. [9:36:25] Good morning, Witness.
25 A. [9:36:27] Good morning, Counsel.

1 Q. [9:36:29] Just to tell you right at the very beginning, I don't intend to keep you
2 here very long here this morning.

3 Now, when we ended the session yesterday, I asked you some questions about a
4 person called Konaté Navigué. And we were trying to determine whether he had
5 benefited from the services of gendarmerie bodyguard, and you explained the
6 procedure whereby someone could obtain the services of a bodyguard from the
7 Republican Guard.

8 Now, does the name corporal Dogbo Djoué Etienne ring a bell?

9 A. [9:37:18] No, that is not particularly familiar, that name. I don't think that
10 person was with me. As I said earlier, I had three bases, you see; at the Plateau, one
11 at Cocody, and some of my men were also assigned to ensure, well, to carry out
12 bodyguard duties. So that name really does not ring a bell.

13 Q. [9:37:53] All the same, if I could call up a document and have it on the screen,
14 number 24 on our list, CIV-OTP-0071-0150, if we could have that document up on the
15 screen, please.

16 Mr Witness, now, we'll be showing you a document on the screen and if we could
17 have a look at it together, you and I.

18 Have you had the time to look at the document?

19 Now, yesterday when you gave testimony you stated, page 107, lines 13 to 16, you
20 said that the general would sign an official order when a person was assigned to
21 bodyguard duties. Now, if you look at the very bottom, at the right of the document
22 you will see "Headquarters Republican Guard". Was that the seal used by the
23 Republican Guard at their headquarters at that time?

24 A. [9:39:39] I can confirm that, yes, indeed, that is the seal of the Republican Guard.

25 Q. [9:39:45] Now, could you tell us, the initials or the signature, rather, are those

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1 the initials of general Dogbo Blé Brunot?

2 A. [9:40:05] Yes, that's his signature.

3 Q. [9:40:06] And when we look at the document, we see "Mission Order." Is this
4 the kind of document that you were mentioning yesterday, an official sort of
5 memorandum or similar administrative order that would assign someone?

6 A. [9:40:27] No, it's not the same document. The first document that I was talking
7 about, the memorandum, was a document that would officially assign a person to a
8 person of authority. This second document, this is a mission order, which is issued,
9 was issued by General Dogbo Blé to go -- that Mr Navigué would take with him to
10 make the mission official.

11 So you see, a mission order would be issued by the head of the Republican Guard to
12 make everything official.

13 Q. [9:41:16] Very well. Thank you for that explanation.

14 Your Honours, I would like this document to be placed on the case record as an
15 evidentiary item.

16 As well, Mr Witness, I would --

17 PRESIDING JUDGE TARFUSSER: [9:41:41] There is no -- excuse me -- there is no
18 need to ask for it. It's on the record, full stop.

19 MR GARCIA: [9:41:46] (Interpretation) Thank you, Mr President.

20 Q. [9:41:52] Now, Watchard Kedjebo, does that name ring a bell?

21 A. [9:41:59] Yes.

22 Q. [9:42:01] Could you explain to us who this person is?

23 A. [9:42:13] He was also part of the group of opinion leaders that I was mentioning
24 yesterday, just like Konaté Navigué, Ahoua Stalone and Mr Blé Goudé, who is here in
25 the courtroom. Those were the opinion leaders.

1 Q. [9:42:35] Just for the purposes of the case record, I don't know whether the name
2 has been recorded properly. I'll spell it out, W-A-T-C-H-A-R-O, K-E-D-J-E-B-O.

3 And the name Serge Koffi, does that name ring a bell, Mr Witness?

4 A. [9:43:02] Yes, I think it does ring a bell, that name, Serge Koffi. Maybe if you
5 were to show me a document or we could determine if it is the same person, the
6 person that I'm thinking of.

7 Q. [9:43:28] Which person are you thinking of then when I throw out that
8 particular name, Serge Koffi?

9 A. [9:43:37] I think that he was the president of the FESCI, if I recall correctly.
10 President of the FESCI.

11 Q. [9:43:49] One last question about the various bodyguards. Do you have any
12 knowledge of, well, why bodyguards were assigned to these people officially,
13 officially assigned to these people who were not part of the government?

14 A. [9:44:09] To ensure their safety.

15 Q. [9:44:11] Thank you, Mr Witness. I would now like to turn to another matter.
16 Well, actually, I have several matters to deal with you this morning. We won't
17 spend a lot of time on each particular subject, but I think you've heard about the
18 women's march on 3 March 2011 in Abobo, during which seven women were killed
19 and other women were injured, the women's march. Does that ring a bell?

20 A. [9:44:49] Yes. I have knowledge about that march within Abobo.

21 Q. [9:44:59] Yes, yes, indeed. The women's march that occurred in Abobo. I
22 would like to ask you a few questions about this. At the time, now I believe you
23 were the commander of the groupement number 1 and do you know -- I realise that a
24 number of women were killed, was any kind of --

25 PRESIDING JUDGE TARFUSSER: [9:45:23] Excuse me. Excuse me. But -- excuse

1 me. Well, the question, because you're obviously giving him the answer. What do
2 you know about the women's march? I mean it's a simple question, but in --

3 MR GARCIA: [9:45:35] Indeed, your Honour, it is a simple question, but I don't
4 want to belabour the point too much. My question is simply to the witness whether
5 he has any knowledge of any report, any complaint made within the
6 Garde républicaine at that time regarding. I mean I can ask the general question.

7 PRESIDING JUDGE TARFUSSER: [9:45:51] Yeah, yeah.

8 MR GARCIA: [9:45:52] But then we're going to have to circle around and then
9 eventually --

10 PRESIDING JUDGE TARFUSSER: Yes, but --

11 MR GARCIA: I'm trying obviously, I'm alive to the preoccupations of Defence for
12 leading questions.

13 PRESIDING JUDGE TARFUSSER: [9:46:00] Me too --

14 MR GARCIA: [9:46:01] I'm trying not. But if the Chamber allows me -- obviously,
15 I'm in the Chamber's hands in this one.

16 PRESIDING JUDGE TARFUSSER: [9:46:06] No.

17 MR GARCIA: [9:46:06] If the Chamber wants me to ask a general question I can
18 ask --

19 PRESIDING JUDGE TARFUSSER: [9:46:10] But it's not about a general question.
20 It's about the question; question answer, question answer.

21 MR GARCIA: [9:46:14] I can ask the general question, your Honour, but then
22 afterwards I might have to go to more precise questions.

23 PRESIDING JUDGE TARFUSSER: [9:46:18] Yes, well, of course.

24 MR ALTIT: [9:46:19] (Interpretation) Your Honour.

25 PRESIDING JUDGE TARFUSSER: [9:46:22] I thought that my intervention could

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1 have addressed your issue.

2 MR ALTIT: [9:46:30] (Interpretation) Absolutely. And I thank you, your Honour.

3 But I do hope that things are quite clear for the case record. And, well, it's a matter
4 of avoiding the presentation of allegations as facts because we must not deceive the
5 witness.

6 PRESIDING JUDGE TARFUSSER: [9:46:49] Absolutely. Absolutely. That was my
7 intervention about.

8 So please, questions without making a long explanation of why the question is to put.
9 Thank you.

10 MR GARCIA: [9:47:03] (Interpretation)

11 Q. [9:47:07] Do you have any information about the incident? Can you tell us
12 anything?

13 A. [9:47:11] Could you repeat your question? I didn't quite catch your question.

14 Q. [9:47:18] Regarding the women's march a number of incidents occurred and a
15 number --

16 MR ALTIT: [9:47:26] (Interpretation) Your Honour, your Honour --

17 PRESIDING JUDGE TARFUSSER: [9:47:27] Let me pose the question. Let me pose
18 the question, please.

19 You know, you know about the women's march, you said. What do you know about
20 the women's march from your position? And I'm referring to facts, not to -- what do
21 you know about it?

22 THE WITNESS: [9:47:50] (Interpretation) Thank you, your Honour. I received
23 information about a march that occurred in Abobo. So like any other citizen in
24 Abidjan, and after listening to the media, I learned about the march and that there
25 had been a number of deaths. But I did not receive any reports verifying or attesting

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1 to this information. Thank you, your Honour.

2 PRESIDING JUDGE TARFUSSER: [9:48:24] So excuse me, and I just continue on this,
3 so you received this, the knowledge, you had knowledge about it after the march or
4 before the march? Did you know that the march was going to be or have you
5 heard -- have you only heard about it afterwards?

6 THE WITNESS: [9:48:46] (Interpretation) Well, it was after the march with all
7 the -- well, everything that went wrong and the deaths. So I received that
8 information and I learned that there had been a march, a women's march in Abobo.

9 PRESIDING JUDGE TARFUSSER: [9:49:07] The final question from my side: How
10 did you learn? Who told you? Did you read? Did you hear? And who -- how
11 did you learn about it?

12 THE WITNESS: [9:49:18] (Interpretation) I read about it. And also, within
13 Abidjan, a government order had been issued and signed regarding the national
14 forces, and we were to ensure the security of the city of Abidjan. So, you see, there
15 was a detachment in Abobo, and what is more, it was through that detachment that I
16 received the information.

17 PRESIDING JUDGE TARFUSSER: [9:50:06] I could go on, but I don't want to --

18 MR GARCIA: [9:50:10] Thank you, your Honour.

19 PRESIDING JUDGE TARFUSSER: [9:50:11] -- to do your job. So please go ahead.

20 MR GARCIA: [9:50:14] Thank you, your Honour. I just have a couple of additional
21 questions.

22 Q. [9:50:17] (Interpretation) Now you say that there was no report, no reports.
23 Are you talking about, are you saying that within the Republican Guard there were
24 no reports concerning the women's march of 3 March?

25 A. [9:50:33] No, I received no such reports, because in actual fact, if a report had

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1 been, well, it was -- it would have been the commander of the Republican Guard who
2 would have received such a report, not me.

3 Q. [9:50:47] And where did you learn about a possible report made for the
4 commander of the Republican Guard regarding the events of 3 March?

5 A. [9:51:04] The only knowledge that I had before that date was a message that was
6 sent to General Dogbo Blé by the office of the High Commissioner of Human Rights
7 calling upon the general drawing attention to extrajudicial executions on the part of
8 the Republican Guard.

9 So, you see, that is the only document that I heard about.

10 MR O'SHEA: [9:51:45] Your Honours, can I please just draw attention to the
11 Chamber and my learned friend, because we don't want to keep jumping to our feet.
12 And it's very important that my learned friend exercises caution. The witness said
13 that it was at a higher level of command that there would have been a report and
14 there should have been a report at that level. He did not say that he had any
15 knowledge of any possible report.

16 And then the question was put "And where did you learn about a possible report?"
17 So really, my learned friend really must take care in how he puts his questions, and
18 I'm sorry to stand up and say this, but I feel I have to.

19 PRESIDING JUDGE TARFUSSER: [9:52:37] Please go ahead.

20 MR GARCIA: [9:52:38] (Interpretation)

21 Q. [9:52:39] You say that you learned about a letter that had been sent, or perhaps
22 an email sent to the general by the Office of the High Commissioner for Human
23 Rights. How did you learn about this letter or email?

24 A. [9:53:02] I saw the document when reading, when reading before my arrival at
25 The Hague.

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1 Q. [9:53:18] If we could call up document 32, 0071-0236, if we could.

2 THE INTERPRETER: [9:53:40] Interpreter correction: In the previous reply the
3 witness made mention of reading my statement in Abidjan before arriving in The
4 Hague.

5 MR GARCIA: [9:53:58] (Interpretation)

6 Q. [9:54:01] Page 0237, if we could go to that page, please. If we look at the
7 bottom of the page we see the seal of the Republican Guard --

8 PRESIDING JUDGE TARFUSSER: The seal that we see, yes.

9 MR GARCIA: (Interpretation)

10 Q. The Republican Guard, the general staff or the headquarters of the Republican
11 Guard.

12 So is this the seal of the Republican Guard?

13 PRESIDING JUDGE TARFUSSER: Why do we --

14 MR GARCIA: (Interpretation)

15 Q. And I think there's another stamp.

16 PRESIDING JUDGE TARFUSSER: [9:54:55] Why do we ask always the same
17 question? It's the third time that we are talking about this seal. We have learned
18 now that this is the seal of the Republican Guard. And what is clear, what is evident,
19 I think we should not ask it because we can read.

20 MR GARCIA: [9:55:08] I'm in the Court's hands, your Honour. If that has been
21 established clearly for the Chamber, then I'll move on.

22 PRESIDING JUDGE TARFUSSER: [9:55:14] Yes, but excuse me, that's the third time
23 that we see this. So it should be enough. Thank you.

24 MR GARCIA: [9:55:21] I'm guided, your Honour.

25 Q. [9:55:24] (Interpretation) If we go back to page 0236, if we could, if we look at

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1 the date, 6 January 2011. Now, was that the period of time during which you
2 learned about a letter regarding the Office of the High --

3 MR GBOUGNON: [9:55:58] (Interpretation) Your Honour, your Honour, the
4 witness has just said moments ago that he only saw the document when he was
5 questioned by investigators of the OTP.

6 PRESIDING JUDGE TARFUSSER: [9:56:15] No, he didn't say this. He didn't, no.
7 Well, at least not in the translation, so.

8 MR ALTIT: [9:56:23] Monsieur le Président.

9 PRESIDING JUDGE TARFUSSER: [9:56:27] Excuse me, excuse me. When did you
10 see first this document, if you have ever seen it before?

11 THE WITNESS: [9:56:39] (Interpretation) That is correct, I did not see it before. I
12 said that I saw the document when I read my statement in September before my
13 arrival here.

14 PRESIDING JUDGE TARFUSSER: [9:56:55] Okay. Yours the floor.

15 MR GARCIA: [9:57:05] (Interpretation)

16 Q. [9:57:33] One last question about this letter. Do you remember when you
17 learned that a letter had been sent from the High Commissioner for Human Rights?

18 MR ALTIT: [9:57:42] (Interpretation) Your Honour, your Honour.

19 PRESIDING JUDGE TARFUSSER: [9:57:47] Well, I think he has responded, he didn't
20 know before he saw it. This is what I, what I understood.

21 MR GARCIA: [9:57:58] I understand, your Honour.

22 Q. [9:58:05] (Interpretation) Witness, we will now move to another topic for the
23 time being. Let us go back to the time of the events during the post-electoral crisis.
24 How long were you at the Treichville camp for?

25 A. [9:58:19] I stayed in Treichville until 4 April -- no, 5 April to be specific, because

1 the following day after the shelling of my base on the 5th, that is when the entire
2 barracks were emptied or everyone left.

3 Q. [9:58:48] And then what did you do?

4 A. [9:58:54] Right after that captain Kouassi Blé called me and told me, or asked me
5 if I had called General Dogbo Blé and I said "No". And then I called the general to
6 give him a report about the situation after the bombing of the barracks. Everything
7 had been destroyed, you see. And he asked me if that was indeed the case.
8 Right after that captain Kouassi Blé called me back and asked me if I had called the
9 general, and I said "Yes, I've called him." And he said call him back again.
10 So I called the general again and I was not able to have a line or a telephone. And
11 then I called another commander, and he told me this: "Colonel," he said to me, "the
12 general is asking you to halt combat and President Gbagbo should recognize the
13 victory of President Ouattara and he should make a statement." That is what he said
14 to me. And I said to him -- and then after that Captain Blé asked me to meet up with
15 him about 300 metres away from the barracks.

16 You see, there is a transport company and he said to me "Meet me there so we can go
17 to the naval base."

18 And so that is how it came to be that I went there. And once I was at the naval base I
19 spent one night there, and the next day I was able to get back to my home. So that is
20 what happened.

21 Q. [10:01:25] Now, when you reached the Locodjoro naval base, could you please
22 tell us who was present on location in terms of officers?

23 A. [10:01:35] When I reached the Locodjoro base, I was received by colonel major
24 Boniface, colonel Boniface. There was colonel Attounbre who was also present and
25 there was lieutenant colonel Gbamellan who was also present. So those are the

1 officers whom I met once I had reached the base.

2 Q. [10:02:12] Could you tell us what was happening at the base when you arrived?

3 A. [10:02:27] When I arrived at the base I was in an office with those officers whose
4 names I have just provided you with when I heard a siren. And I went out and it
5 was at that moment in time that I saw young people, very numerous, going towards a
6 gathering point or a meeting point and lieutenant colonel Gbamellan came up to me
7 and said that he had just received an order from his hierarchy and he was requesting
8 that hostilities commence anew. And he asked me what attitude he was to adopt at
9 that moment in time, to which I responded that he had received the order from Vagba
10 Faussignaux, his hierarchical superior to whom he reports. But my commanding
11 officer had told me that the battle was over and I was going to respect that order from
12 my commanding officer. That's how things unfolded.

13 Q. [10:04:01] You say that you heard a siren. What type of siren was it? Was it
14 something that you had heard previously?

15 A. [10:04:20] Yes. It was a siren. You know, in the fireman barracks, this was the
16 kind of siren that we would use when requesting that people come together.

17 Q. [10:04:49] You said that there were young people who were moving towards a
18 meeting point. How many were they approximately?

19 A. [10:04:56] Approximately 400. They were very numerous.

20 Q. [10:05:05] Were they men or women?

21 A. [10:05:11] I cannot tell you whether it was exclusively men, but I only saw men,
22 young people.

23 Q. [10:05:23] And what was this gathering, according to what you could see?

24 A. [10:05:28] I think that these were additional troops like those that I had had in
25 Treichville who were at the Locodjoro naval base.

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1 Q. [10:05:39] And do you know what their ethnic origin was, these additional
2 troops?

3 A. [10:05:54] I can't really answer that because I didn't frequent those young people.
4 I just went on my way when I saw that gathering and it was Lieutenant Gbamellan
5 who was in charge of them, Lieutenant Colonel Gbamellan.

6 Q. [10:06:08] Did they have standard uniform when you saw them?

7 A. [10:06:10] No. They were wearing civilian clothing.

8 PRESIDING JUDGE TARFUSSER: [10:06:14] Excuse me, could you please slow
9 down for the interpreters. Thank you.

10 MR GARCIA: [10:06:28] (Interpretation)

11 Q. [10:06:29] Were they armed, according to what you could see?

12 A. [10:06:32] Yes, some of them did have weapons.

13 Q. [10:06:34] Are you in a position to tell us what kind of weapons?

14 A. [10:06:38] They were individual weapons, AKs.

15 Q. [10:07:16] Just for the record, Mr Witness, I have understood, I believe, that you
16 talked about a person, just one moment. Lieutenant Colonel Gbamellan. Maybe I
17 should correct that. It's Lieutenant Colonel G-B-A-M-E-L-A-N.

18 THE INTERPRETER: [10:07:39] Said counsel at the speed of light.

19 THE WITNESS: [10:07:42] (Interpretation) Yes, that is correct.

20 MR GARCIA: [10:07:45]

21 Q. [10:07:45] Thank you, Mr Witness. One moment.

22 Did you see anything else apart from the gathering of young people on that day?

23 A. [10:08:24] No, because I had gone into a room to rest.

24 Q. [10:08:32] And you also mentioned Yagba Kipré at the beginning. I forgot to
25 ask you this question yesterday. Mr Yagba Kipré, what is his ethnic origin?

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1 A. [10:08:47] He was a Bété.

2 Q. [10:09:06] A last question with regard to this event, Mr Witness. At that
3 specific moment in time when you arrived at Locodjoro naval base, what was the
4 state of affairs? Were people continuing to fight? What was happening in the
5 field?

6 A. [10:09:26] The fighting had ceased in the field.

7 Q. [10:09:30] Were there any officers who were continuing?

8 A. [10:09:33] To my knowledge, no.

9 Q. [10:09:35] Thank you, Mr Witness. I have a few last questions for you,
10 Mr Witness. Yesterday we talked about the arms depot that was to be found in
11 Treichville, you will recall. Are you able to tell us whether there was also an arms
12 depot at the presidential palace?

13 A. [10:10:13] At the palace there was no arms depot as such. Rather, there was
14 ammunition.

15 Q. [10:10:23] Are you able to tell us where they were to be found in the presidential
16 palace?

17 A. [10:10:36] The ammunition was to be found in the basement of the palace in the
18 main.

19 Q. [10:10:48] I would, however, like to know in order to understand the situation,
20 when you were commander of the number 1 groupement, when people wanted to
21 obtain ammunition, did they go and get them at the presidential palace? What was
22 that arms or ammunition depot used for?

23 A. [10:11:11] It was a reserve depot, in fact. In Treichville I also had ammunition,
24 and this ammunition depot came under General Dogbo Blé exclusively. So he was
25 the person who was responsible for that depot. So it was only upon his orders that

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1 this ammunition could be sent somewhere or not.

2 Q. [10:11:47] And you as commander of the first groupement, did you go and
3 obtain any ammunition from this depot at the presidential palace?

4 A. [10:11:58] No.

5 Q. [10:11:59] Are you in a position to tell us what the procedure was if one wanted
6 to obtain ammunition from the ammunition depot at the presidential palace? How
7 did it function? Did you have to get hold of an authorisation?

8 A. [10:12:22] Yes, as I was saying previously, this depot fell under the
9 responsibility of the general and if I was, if I needed anything I could submit a
10 request to him for him to provide me with some. But I wasn't in that situation and I
11 never made a request for any ammunition.

12 Q. [10:12:49] Do you have any knowledge of any request made by any other
13 officers requesting ammunition from this depot?

14 A. [10:13:02] No. But maybe if requests were made we should specify that this
15 depot fell under the responsibility of General Dogbo Blé, but it was managed by
16 warrant officer Gnahoré, so maybe he could tell you whether yes or no it was the case,
17 whether there was a request for ammunition. But I can't answer on his behalf.

18 THE INTERPRETER: [10:13:38] Microphone, please, counsel.

19 PRESIDING JUDGE TARFUSSER: [10:13:44] It was good that he had no microphone
20 so he slows down.

21 MR GARCIA: [10:13:45] Thank you, your Honour.

22 Q. [10:13:51] (Interpretation) Now, I would like to call up document at tab 27,
23 CIV-OTP-0071-0223.

24 Now, Mr Witness, you have been able to familiarise yourself with this document.

25 Have you already seen a document like this before?

1 A. [10:15:08] Yes, this was the type of document that we would fill out when we
2 needed ammunition, you know, in order to leave some form of trace.

3 Q. [10:15:24] When we look at the document we see the squadron chef of the
4 national gendarmerie, Mr Koukougnon. I see that he was squadron chief, but when
5 you look at this document, we can see that it is a requisition for 300 AK-47s and 30
6 cases of ammunition.

7 Was it normal for this ammunition to be given to the chef of the gendarmerie at that
8 moment in time?

9 MR N'DRY: [10:16:06] (Interpretation) Mr President.

10 PRESIDING JUDGE TARFUSSER: [10:16:09] Maître N'Dry.

11 MR N'DRY: [10:16:11] (Interpretation) I do not know whether the interpretation in
12 English is very clear to you. He's saying is it normal. I don't think he's -- he's
13 asking him whether it's normal. He's asking him his opinion, not a fact.

14 MR GARCIA: [10:16:28] Your Honour, my question --

15 PRESIDING JUDGE TARFUSSER: [10:16:30] Just rephrase your question. Thank
16 you.

17 MR GARCIA: [10:16:35] (Interpretation)

18 Q. [10:16:36] Now, Mr Witness, what did you think about the fact --

19 MR GBOUGNON: [10:16:48] (Interpretation) This is one and the same thing,
20 Mr President.

21 PRESIDING JUDGE TARFUSSER: [10:16:51] I would say so, it's one and the same
22 thing. What he thinks is not what -- is not a fact.

23 MR GARCIA: [10:16:55] Your Honour, what I am doing actually, just to clear up the
24 matter, is calling up on his experience as a commander at the time, the relevant time,
25 for him to explain to us if he knows anything in this regard. And second part is

1 whether he found this normal or abnormal in the circumstances. He can draw from
2 his experience and his authority within the camp to render such a -- it's not an
3 opinion evidence. It's drawing on his own experience. Those are the kind of
4 questions that are permissible. These are permissible questions. I don't see where
5 the problem lies. If the witness doesn't know anything about it, he'll tell us.

6 PRESIDING JUDGE TARFUSSER: [10:17:31] Maître N'Dry. I think you were the
7 first, the first on his feet.

8 MR N'DRY: [10:17:40] (Interpretation) I was just waiting for the interpretation to
9 finish.

10 Mr President, the fact is a simple one. The document that we have shown to the
11 witness does not come from him. He did not make the request. And were it a
12 document that came from his groupement, then he would have been in a position to
13 provide with you explanations. But this is a document coming for another
14 individual in charge in the army and only he can say why he made such a request.
15 Presenting this now to another individual who was not the author, I do not see the
16 point. The Prosecutor is saying, you know, what do you think about it. This is
17 pure speculation. And I -- well, we are objecting to that.

18 PRESIDING JUDGE TARFUSSER: [10:18:40] Maître Altit.

19 MR ALTIT: [10:18:41] (Interpretation) Thank you, Mr President. Yes, of course,
20 as regards to the "what do you think" comment I entirely subscribe to what Mr N'Dry
21 just said.

22 What is more, we are here, the calling party is making the questions or putting the
23 questions and such questions really need to be avoided.

24 But my intervention is somewhat different. I would like and I suggest that when the
25 Prosecutor explains the reasoning behind his question and tries to defend its merits,

1 he does so without the witness being able to hear what he has to say, requesting that
2 he take his headset off, because, you know, the witness has now understood precisely
3 what it's all about. And it's somewhat bothersome, especially when we're talking
4 here about questioning by the calling party.

5 PRESIDING JUDGE TARFUSSER: [10:20:04] I think that the question as such, and I
6 know where you want to go, is admissible. It's a problem how you put the question
7 to the witness. And I think if you say "Is this the ordinary course of action to request
8 it this way or that way," that would be admissible. And of course, he is an expert
9 officer of the army, so he should know.

10 But you can't ask for his opinion. You must ask -- you must try to elicit facts, not
11 opinions, from him. So therefore -- and to what Maître Altit said, I think first of all
12 that it's not always needed to explain why you put the question. Just put the
13 question so we understand, we can understand. So not always necessary to make
14 sort of a preamble to the question. Just put the question.

15 MR GARCIA: [10:21:05] Indeed, your Honour. Just to explain myself in response
16 to what Mr Altit has stated, there is no substance in my question. What I was merely
17 doing is explaining the reasons why I felt this witness could explain or give us an
18 answer. That's merely it.

19 PRESIDING JUDGE TARFUSSER: [10:21:19] Yes.

20 MR GARCIA: [10:21:20] No substance at all.

21 PRESIDING JUDGE TARFUSSER: [10:21:22] Please go ahead, but elicit facts or
22 knowledge.

23 MR GARCIA: [10:21:27] (Interpretation)

24 Q. [10:21:29] I shall start again. Mr Witness, look at this document, you will see
25 that there is an inscription saying "Squadron Chief Koukougnon". Apart from the

1 fact that his name appears on it, what can we deduce from this?

2 A. [10:21:49] We can deduce this is a request for weapons and ammunition made
3 by a squadron chief to the commanding
4 General Dogbo Blé and he granted this request and he filled out the order form for it
5 to be provided to him.

6 Q. [10:22:13] Now my question is as follows, according to your answer: Now, at
7 the time according to your knowledge or your experience, was it normal for
8 somebody else outside of the Republican Guard to make a request for ammunition to
9 General Dogbo Blé?

10 A. [10:22:34] Yes, because the president is the supreme commander of the army
11 and, as such, if there are any means at the palace, then those means can be provided
12 to other corps in order for them to be able to fulfil the global mission for the country.

13 Q. [10:23:06] Thank you, Mr Witness. Now let's change subject once again, one
14 last time. Rather, let's continue on the same subject but with other questions.

15 You spoke to us about the fact that the ammunition was kept in the basement of the
16 presidential palace; is that correct?

17 A. [10:23:32] That is correct.

18 Q. [10:23:32] Are you in a position to tell us what happened to that ammunition
19 that was there after the post-election crisis?

20 A. [10:23:38] After the post-election crisis, those -- the basement was cleaned up
21 and it was taken, all this ammunition was taken out of the basement and was
22 placed -- made available to the general staff and was placed in a far more secure
23 environment in order to make secure the presidential palace.

24 Q. [10:24:11] Do you recall who cleaned up the ammunition?

25 PRESIDING JUDGE TARFUSSER: Please.

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1 THE WITNESS: [10:24:21] Well, this cleaning up was done by the general staff of
2 Côte d'Ivoire and with the ONUCI, ONUCI and the Licorne force.

3 MR GARCIA: [10:24:49] (Interpretation)

4 Q. Now, for me to be able to ascertain the time at which this occurred, were you
5 already the commander of -- at the Garde républicaine when this happened?

6 A. [10:25:05] It was in fact before I was confirmed in that post. When I say before,
7 I say that I was acting, I was in the position as acting commander from --

8 PRESIDING JUDGE TARFUSSER: [10:25:20] Go ahead.

9 THE WITNESS: [10:25:22] (Interpretation) -- from April. So I was acting, so I was
10 not, I had not yet been confirmed in the post, and it happened before me.

11 PRESIDING JUDGE TARFUSSER: [10:25:35] So how do you know? Is this direct
12 knowledge or because somebody told you that this happened in the palace?

13 THE WITNESS: [10:25:50] (Interpretation) As the acting commander of the
14 Republican Guard, my offices were at the palace. And the basement is also in the
15 palace. So this cleaning-up operation happened right in front of my eyes.

16 PRESIDING JUDGE TARFUSSER: Okay.

17 MR GARCIA: [10:26:15] (Interpretation)

18 Q. [10:26:17] Now I would like to call up a video which is under ERN,
19 CIV-OTP-0048-1651.

20 THE COURT OFFICER: [10:27:19] Excuse me, before you play the video, is it public
21 or not?

22 MR GARCIA: [10:27:23] This is a public video, yes.

23 PRESIDING JUDGE TARFUSSER: [10:27:47] It's on evidence 1 or 2? Evidence 2.

24 MR GARCIA: [10:28:52] Could the video please be played?

25 (Viewing of the video excerpt)

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1 MR GARCIA: [10:30:54] (Interpretation)

2 Q. [10:30:55] Mr Witness, could you please tell us what we see on the video?

3 A. [10:31:01] On the video, first and foremost, we see the palace, and then we see
4 ammunition cases in the basement.

5 Q. [10:31:14] So if I understand you correctly, this is the basement that you were
6 speaking about before in your testimony?

7 A. [10:31:21] That is correct.

8 MR GARCIA: [10:31:34] (Interpretation) Your Honour, I'll just be a moment.

9 PRESIDING JUDGE TARFUSSER: [10:31:44] So I would have a question. We have
10 seen boxes. Have you seen what is inside the boxes?

11 THE WITNESS: [10:31:51] (Interpretation) No. During the visit, I wasn't there.
12 But well after, during the transportation of those crates -- and that was also done by
13 the men. So we had time to see that they were indeed crates of ammunition.

14 PRESIDING JUDGE TARFUSSER: [10:32:21] By "ammunition" you mean
15 ammunition, not arms. Arms and ammunition or what?

16 THE WITNESS: [10:32:31] (Interpretation) Ammunition.

17 PRESIDING JUDGE TARFUSSER: [10:32:33] Thank you.

18 Mr Prosecutor.

19 MR GARCIA: [10:32:53] (Interpretation)

20 Q. [10:32:54] One last question on the same topic, Mr Witness. You said that your
21 men with the ones who did the transportation. How many crates were there? How
22 many crates of ammunition, approximately?

23 A. [10:33:13] Well, they did that under the -- with the protection of the general staff,
24 ONUCI and the Licorne forces. So you see, I wasn't there to assess or to determine
25 the quantity.

1 Q. [10:33:33] Do you have any idea or any information about the number, the
2 quantity?

3 A. [10:33:38] That was handled by the headquarters, so really, no, I didn't -- I don't
4 know.

5 Q. [10:33:52] Were you in a position to determine what kind of ammunition it was,
6 for what kind of weapon, calibre?

7 A. [10:34:13] You mean the individual weapons or the semi-collective, the MPGs?
8 And also there were mortar guns and -- mortars and shells.

9 Q. [10:34:35] One last question for you, Mr Witness. After the end of the
10 post-electoral crisis, did you speak to the people in Treichville?

11 A. [10:35:16] Yes, I did, I did make a statement to the local people in Treichville.
12 But before that I visited all the religious leaders within Abidjan, in the community, in
13 order to ask them for forgiveness for everything that may have happened or may
14 have been done by members of the Republican Guard.

15 And the same thing for the people in Treichville, at a number of gatherings, well, I
16 went to see the mayor of Treichville commune, and he suggested to me that I do this,
17 and that I speak on the day of the gathering, the rally.

18 So this was pursuant to what, or came under what, or was in accordance with which
19 principle? You see, during the crisis, many things were done by some of my men.

20 And when I say -- well, bad things. For example, the young people who were taken
21 to Treichville camp and that sort of thing.

22 And what is more, one person from Niger was taken by one of our men as well, and
23 that person was sent to le Plateau. And the matter came to my attention and I

24 immediately asked commander Kipré, who was in charge of that matter, to free the
25 gentleman. He said "Yes". And after, when I went back, when I reverted to him, he

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1 said "Oh, that's not any of my business," and he didn't tell me anything more about
2 any of that.

3 So, you see, in light of all those events that occurred, I said to myself we need to be
4 aligned with the population. And so I did this on behalf of the institution that I was
5 in charge of, simply to ask the population to forgive us for everything that was done
6 and to look to the future and to move towards reconciliation. So that is why I did
7 what I did.

8 MR GARCIA: [10:38:31] Thank you very much, Mr Witness, I have no further
9 questions for you.

10 PRESIDING JUDGE TARFUSSER: [10:38:38] I think we could also break here, it's 20
11 minutes to go, because I think it's useless to start for just 20 minutes. And we
12 resume as usual, we have a little bit longer break, at 11.30. Thank you.

13 THE COURT USHER: [10:39:02] All rise.

14 (Recess taken at 10.39 a.m.)

15 (Upon resuming in open session at 11.32 a.m.)

16 THE COURT USHER: [11:32:48] All rise.

17 Please be seated.

18 PRESIDING JUDGE TARFUSSER: [11:33:15] Good morning once again. I asked
19 the court officer not to introduce the witness, because I have two issues to raise before
20 we start the questioning by the Defence. One is related to this witness or to -- no,
21 none is really related to this -- well, this one. They're two general but this is -- also
22 relate to this witness.

23 We received yesterday two lists of materials to be used by the Defence teams. It's 13
24 and 10 pages, respectively, with 174 and 158 documents. I think if we go back to the
25 Conduct of the Proceedings, where at paragraph 42 we say the relevant portion of the

1 statement -- well, not 42. Sorry, 36, not 42, where we say:
2 "In light of this, the parties shall refrain from communicating more documents than
3 they actually intend or are able to use for the purpose of questioning of the witness."
4 Experience has shown that never, not even a small, well, not even 10, 20 per cent of
5 the list was ever used. I think this is absolutely cumbersome for the Chamber and
6 for the other parties. We should really refrain and stick to the directives of the
7 proceedings, otherwise the purpose of this list is completely defeated and, therefore, I
8 really would urge all the parties, also the Prosecutor, but not as much of course, to
9 really try to make a list which is realistic, a realistic list of documents.
10 This is, say, so at first, a kind warning to the parties.
11 The second thing is that the Chamber would like to seek the views of the parties on
12 some concerns submitted to the Chamber by the VWU in connection with the
13 forthcoming testimony of witnesses -- we will then all obviously issue a decision on
14 this -- whose statements have been provisionally admitted under Rule 68(3).
15 More specifically the VWU notes that, and I quote VWU:
16 "The following witnesses are scheduled to testify one after another." And I'll now
17 slow down myself.
18 And I name only the numbers without the -- 107, 587, 117, 106, 230, 555, 169, 588, 589.
19 These are, say, relatively short witnesses, say, between one and two days,
20 starting -- well, and the VWU expressed the concerns about the financial and
21 logistical impediments caused by having so many witnesses transferred to the seat of
22 the Court for a short period.
23 Of course, it would be quite difficult to manage all this.
24 And accordingly, the VWU encourages that their testimony be given via video link
25 from Côte d'Ivoire. This taking into account the well-being of the witnesses and

1 with the view of avoiding or minimising, and I quote:
2 "The risk of stress-related complications to witnesses' physical or mental health."
3 So this is what the VWU is suggesting to the Chamber, and I would like -- obviously, I
4 ask the observations of the parties to this request and probably given sometime early
5 next week, not now.

6 I think we will use the end of, say, Tuesday's session or something, or at the
7 beginning, in order to address this issue so that we can during the week then file or
8 issue a decision, a comprehensive decision on the calendar for the next weeks.

9 This said, I would ask the court usher to introduce the witness, please.

10 MR O'SHEA: [11:38:27] While that's done, your Honour, I would just like to
11 apologise for stepping in slightly late. I had an untimely need for a comfort break.
12 I'm sorry about that.

13 PRESIDING JUDGE TARFUSSER: [11:38:37] No problem at all, Mr O'Shea. But I
14 thank you for the courtesy, of course.

15 MR O'SHEA: [11:38:50] You're welcome.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE TARFUSSER: [11:39:02] (Interpretation) Good morning,
18 Mr Witness.

19 THE WITNESS: [11:39:24] (Interpretation) Good morning, Mr President.

20 PRESIDING JUDGE TARFUSSER: [11:39:28] Now as you know, the Prosecution has
21 finished his questioning and now we start with the questioning by the Defence teams.
22 And as it is in this Court, we used to start with the Defence team for Mr Gbagbo and,
23 therefore, I give the floor to Maître Altit.

24 MR ALTIT: [11:39:54] (Interpretation) I thank you, Mr President. The questioning
25 for the Defence team for Mr Laurent Gbagbo will be led by Mr O'Shea. And I might

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1 also put some questions to the witness at the end of the questioning session.

2 I would like to make the most of this opportunity to attempt to give an assessment of
3 the time that we will need to the Chamber for us to be able to organise ourselves. At
4 the current state of play, before we start, we will maybe go on over into Monday, but I
5 hope not too lengthily. We will be able to tell you a little bit more about this at the
6 end of the day, of course.

7 PRESIDING JUDGE TARFUSSER: [11:40:53] Excluding Saturday and Sunday I hope.
8 Okay.

9 MR ALTIT: [11:40:57] (Interpretation) Absolutely. The idea is as follows, that we
10 encroach into Monday's session as little as possible, but that we do use a little bit of
11 Monday, whatever the case may be.

12 PRESIDING JUDGE TARFUSSER: [11:41:11] Thank you very much, Maître Altit.
13 And therefore I give the floor to Mr O'Shea for his questioning.

14 MR O'SHEA: [11:41:19] Thank you very much, Mr President, your Honours.

15 QUESTIONED BY MR O'SHEA:

16 Q. [11:41:27] Colonel, good afternoon. My name is Andreas O'Shea. I am
17 representing Laurent Gbagbo in these proceedings. And I have the unenvious task
18 of asking you questions in the last hours of a Friday afternoon.
19 I'd like to, first of all, just ask you do you prefer to be addressed as Colonel Kouaho or
20 Colonel Amichia?

21 A. [11:42:09] Thank you, Counsel. I prefer Colonel Amichia.

22 Q. [11:42:14] Well, Colonel Amichia, if you could please first enlighten the
23 Chamber as to when you first came into contact with the Office of the Prosecutor?

24 A. [11:42:43] Thank you, Counsel. It was in 2012.

25 Q. [11:42:55] Do you remember which month?

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1 A. [11:43:01] No.

2 Q. [11:43:04] And how did this first encounter come to be? Did you contact the
3 Prosecution or did your superiors contact you or what happened?

4 A. [11:43:24] It was upon orders of my superiors that I had the interview with the
5 judges.

6 Q. [11:43:41] And when you say "orders of your superiors," which person
7 specifically contacted you in this respect?

8 A. [11:43:57] Thank you. There was a focal point within the Ministry of Defence
9 who called me to inform me that I was going to be receiving or meeting with the
10 judges from the ICC for an investigation.

11 Q. [11:44:29] And what is the name of that focal point within the Ministry of
12 Defence?

13 A. [11:44:46] This was the former Ministry of Defence, before the reshuffling. This
14 was the former Ministry of Defence who called me to tell me this.

15 Q. [11:45:10] And obviously people, certain people within this room know who's
16 who, but for the purposes of the record, could you name the person or persons you've
17 just referred to?

18 A. [11:45:30] Mr President, I'm going to consult my counsel with your leave.

19 PRESIDING JUDGE TARFUSSER: [11:45:41] Of course.

20 (The witness confers with his counsel)

21 THE WITNESS: [11:45:52] (Interpretation) I thank you, Mr President.

22 PRESIDING JUDGE TARFUSSER: [11:45:57] We are talking about the minister?
23 We are talking about --

24 THE WITNESS: [11:46:00] (Interpretation) Yes, that is correct.

25 PRESIDING JUDGE TARFUSSER: [11:46:02] Okay. I just want to say there

1 shouldn't be a big issue to identify a minister of the Defence of Côte d'Ivoire. Okay.

2 So please, Maître.

3 MR KAREMBE: [11:46:20] Karembé. (Interpretation) We can decide to give the
4 name of that minister. It's not a problem.

5 THE WITNESS: [11:46:31] (Interpretation) It was Minister Paul Koffi Koffi.

6 PRESIDING JUDGE TARFUSSER: [11:46:34] Thank you.

7 MR O'SHEA: [11:46:44]

8 Q. [11:46:45] And how did the minister introduce the subject to you?

9 A. [11:46:50] He said that I should receive the judges from the ICC to tell them
10 what I knew and to tell them my version of the truth, quite simply.

11 Q. [11:47:12] And were you given any choice in the matter or were you simply
12 given instruction?

13 A. [11:47:29] Thank you, Counsel. I was given the choice. I was not given any
14 instructions.

15 Q. [11:47:44] Did you say you were asked to meet the judges, or was it the
16 Prosecutor?

17 A. [11:48:14] I believe it was the representatives of the Prosecutor. That's what I
18 was told.

19 Q. [11:48:29] Now, currently, you are the head of the Garde républicaine, so you
20 are the, you are the highest person within the hierarchy of the Garde républicaine
21 today. That's right, isn't it?

22 A. [11:49:04] That is correct.

23 Q. [11:49:08] And you've given some evidence about the Garde républicaine, and
24 you've given some numbers of soldiers who were posted at the Plateau, at Cocody, at
25 Treichville, and you've mentioned numbers like 125 to 50 at Plateau or at Cocody.

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1 The Garde républicaine is kind of an elite force, isn't it? It's a force of soldiers which
2 are selected for their exceptional skills; would that be right?

3 A. [11:50:08] This is a force that comprises a number of elements coming from other
4 corps, so it is an inter-corps force and, as such, there are elements that are up to their
5 task or up to their mission.

6 Q. [11:50:39] And their mission is to protect the president, to protect the institutions
7 of the state?

8 A. [11:51:00] That is correct, that is correct.

9 Q. [11:51:01] An extremely important function within the armed forces?

10 A. [11:51:17] Within the armed forces they have their traditional missions, the
11 traditional missions that have other, that other corps have as well. But in addition
12 they have this additional mission, which is that of providing the security and
13 protection of the president of the republic and the high-ranking officials. And also,
14 upon exceptional order of the president, they can also be requested to provide
15 security for certain individuals, and also they can be exceptionally requested to
16 perform law enforcement tasks. That is the mission of the Republican Guard.

17 Q. [11:52:11] Just on that last point, when you say "orders of the president," it
18 would be more correct to say decision of the president, wouldn't it, than orders? The
19 president doesn't give orders as such, he makes decisions and then it's up to the
20 armed forces to do what's necessary to implement those decisions. Would that be
21 fair?

22 A. [11:52:40] Yes, it was a slip of the tongue, indeed. Upon decision of the
23 president of the republic, it would seem that my status as a military man took the
24 forefront here.

25 Q. [11:53:05] Given the nature of the tasks of the Garde républicaine, there must be

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1 a fair amount of scrutiny in terms of the selection of those who are within superior
2 positions of the Garde républicaine; would that be right?

3 A. [11:53:32] Generally speaking, that is the case.

4 Q. [11:53:50] And today, as the head of the Republican Guard, you expect from
5 your subordinates loyalty and discipline; would that be right?

6 A. [11:54:26] Yes, indeed.

7 Q. [11:54:34] And of course, when I say "loyalty," that necessarily includes, does it
8 not, a degree of loyalty to the president himself?

9 A. [11:54:51] Yes. Well, whilst we remain within the context of those missions
10 entrusted in the Republican Guard, yes.

11 Q. [11:55:15] If today in your position you were to discover that one of your
12 immediate subordinates was a danger to the security of the president, what would be
13 your duty in those circumstances?

14 A. [11:55:48] Thank you, Counsel. Of course I'm going to request that he be
15 removed from the unit.

16 Q. [11:55:59] In your current position, do you meet with the president?

17 A. [11:56:21] Yes, whenever the need is felt, then I meet with the presidents. And
18 it is with regard to the means to be provided or made available for the Republican
19 Guard and for the good provision of service.

20 Q. [11:56:48] And given the nature of your role, would it be right that you have a
21 fairly wide discretion in terms of taking initiatives for the purposes of fulfilling your
22 mandate?

23 A. [11:57:15] Thank you. In fulfilling my mission, we should say that I fall under
24 the chief of general staff of the army. I report to him, and I am made available to the
25 president of the republic.

1 So with regard to certain activities of the corps that fall under my competence, then it
2 is up to me to take those decisions. But for some decisions I still need to consult my
3 hierarchical superiors who have to provide me with authorisation.

4 Q. [11:58:11] And given your rank and your level and function, would it be right
5 that you are the person who is in the position to make a judgment as to which
6 decisions require consultation with your superiors and which decisions you can
7 rightly take on your own initiative?

8 A. [11:58:51] Naturally, we should say that with regard to the activity of the corps,
9 every year there is an annual activity plan that is provided by the general, and it is
10 this plan that we consult with regard to the mission itself and the activities of the
11 corps. We then submit this to the approval of the chief of general staff, and it is only
12 subsequent to his approval that I can then execute this plan. And from that moment
13 in time, once the plan has been validated by the chief of general staff, I am then in a
14 position to execute it. That is my understanding.

15 Q. [12:00:00] And this general plan, is it agreed at the beginning of the year or at
16 another time of the year? Is there -- or is it not fixed?

17 A. [12:00:20] It is at the beginning of the year.

18 Q. [12:00:32] So once that plan is in place you, as long as you stay within the
19 parameters of that plan, there would be a large number of decisions that you could
20 take without reference to your superiors; would that be right?

21 A. [12:01:00] That is correct. That is in relation to the activities of my unit.

22 Q. [12:01:17] Yes, thank you.

23 (The witness confers with his counsel)

24 MR O'SHEA:

25 Q. Was that a legal consultation?

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1 PRESIDING JUDGE TARFUSSER: [12:01:41] I think he can consult, and I don't think
2 that is allowed for you to ask what consultation it is. I think he can consult at any
3 time with his counsel.

4 Yes, if you consult with your client, nobody can ask what you're consulting about.
5 This is --

6 MR O'SHEA: [12:02:04] The position --

7 PRESIDING JUDGE TARFUSSER: [12:02:05] No, I don't want a --

8 MR O'SHEA: [12:02:07] Well, the position is quite different, because my client's not
9 giving evidence.

10 PRESIDING JUDGE TARFUSSER: [12:02:11] I didn't know that you were saying this,
11 but I invite you to continue the questioning. Thank you.

12 MR O'SHEA: [12:02:15] Yes. Thank you, your Honour. Yes, my client is not
13 giving evidence at the moment.

14 Q. [12:02:44] Now, you've held the position that you have at the moment since 11
15 December 2011; is that right?

16 A. [12:03:01] I was confirmed in that position on 11 December.

17 Q. [12:03:17] And from which date did you start acting in that position before the
18 date of confirmation?

19 A. [12:03:30] I was notified through a message to act in an interim capacity as
20 commander. So I acted as interim commander up until 11 December, when I was
21 confirmed.

22 Q. [12:04:10] And at the beginning of May, who informed you that you would be
23 exercising this function?

24 A. [12:04:29] It was through a message signed by the chief of general staff at the
25 time, that is general Philippe Mangou.

1 THE INTERPRETER: And the witness had indeed said he started in early May.

2 MR O'SHEA: [12:05:01]

3 Q. [12:05:02] And how long, what period of time passed up to 2 May where you
4 were not exercising official functions within the Garde républicaine? Was there a
5 period of time, finishing with the beginning of May, when you were temporarily not
6 exercising your functions within the Republican Guard?

7 A. [12:06:18] Up until the month of May, I was the commander of groupement
8 number 1. That was the position that I was occupying until the time that I was
9 appointed interim commander following the chief of staff's message.

10 Q. [12:06:41] So at no single moment did you cease to exercise your functions
11 within the Republican Guard?

12 A. [12:06:53] After 5 April, when Abidjan was attacked. And I said a short while
13 ago, after I went through the naval base and my commander at the time, General
14 Dogbo Blé, he had told me that the battle had ended on that day. Since that day I
15 went to my home and subsequently to my junior brother's place at Cocody. So
16 obviously from 4 or 5 April, right up to 11 April, I had ceased my activities.
17 It was after President Alassane took over power that the minister of defence at the
18 time, the prime minister, Mr Soro, appealed to all the soldiers to return to barracks.
19 That is how come I went back to my unit.

20 Q. [12:08:32] And during those days when you were not exercising your normal
21 functions, what were your daily activities?

22 A. [12:08:48] I was at that time in a period of meditation.

23 Q. [12:09:11] And did you meet with any of the individuals who had previously
24 defected from the armed forces?

25 A. [12:09:36] Thank you, Counsel. Can you be more specific? Who defected? I

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1 didn't mention anyone who had defected.

2 Q. [12:09:59] My question is: Did you meet with any individuals during those
3 days who had previously defected from the armed forces?

4 A. [12:10:17] No.

5 PRESIDING JUDGE TARFUSSER: [12:10:28] Can we ask if he knew that people had
6 indeed defected at all?

7 MR O'SHEA: [12:10:37] We can ask, but it was a step that I thought was not
8 necessary.

9 Q. [12:10:43] Can you answer the Presiding Judge's question, please?

10 PRESIDING JUDGE TARFUSSER: [12:10:50] Please.

11 THE WITNESS: [12:10:53] (Interpretation) Thank you, Mr President. I heard on
12 the night of 30 to 31 March, I believe, that the chief of general staff at that time had
13 taken refuge in the embassy of the Republic of South Africa. That is the information
14 I received.

15 PRESIDING JUDGE TARFUSSER: [12:11:30] Thank you.

16 MR O'SHEA: [12:11:32] Thank you, your Honour.

17 Q. [12:11:35] And during those several days, when you were not exercising your
18 normal functions, did you meet with any members of the RHDP?

19 A. [12:11:56] No.

20 Q. [12:12:06] And what about in the weeks and months preceding that time, did
21 you meet with anybody from the opposition either amongst the rebels or amongst the
22 politicians?

23 A. [12:12:47] Up until 5 April 2011, I was in my unit in Treichville. And after that,
24 when I went home and then to my junior brother's house, I did not meet with any
25 political leader.

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1 PRESIDING JUDGE TARFUSSER: [12:13:24] But I think counsel asked before, not
2 after, before 5 April, if I'm not mistaken. The question is if you did meet before 5
3 April with some political dignitary or person, not after.

4 THE WITNESS: [12:13:47] (Interpretation) My answer is no.

5 MR O'SHEA: [12:13:53]

6 Q. [12:13:56] Today, who is your second in command? Today?

7 A. [12:14:21] Lieutenant Colonel Ouattara Issiaka.

8 Q. [12:14:32] And who would be your adjoint today?

9 A. [12:14:56] The person who deputises for me and who acts in an interim capacity
10 during my absence is Lieutenant Colonel Ouattara Issiaka.

11 Q. [12:15:37] When did you first meet Lieutenant Colonel Ouattara Issiaka?

12 A. [12:15:56] Thank you, Counsel. It was one week after we were called upon to
13 return to barracks, and that happened in Treichville.

14 Q. [12:16:18] What is the ethnicity of Lieutenant Colonel Ouattara Issiaka?

15 A. [12:16:44] He is from the Bouna region, Koulango.

16 Q. [12:17:02] And where geographically is Bouna located?

17 A. [12:17:12] In the northeast of Côte d'Ivoire.

18 Q. [12:17:22] Who is the commander of the groupement number 1 at Treichville
19 today?

20 A. [12:17:32] It is Lieutenant Colonel Idriss Coulibaly.

21 Q. [12:17:49] And which part of the country does he come from?

22 A. [12:17:58] From the north of Côte d'Ivoire.

23 Q. [12:18:12] And today who is the officer in charge of the second company of the
24 Republican Guard?

25 A. [12:18:39] Thank you, Counsel. Are you talking about groupement number 2

1 of the Republican Guard?

2 Q. [12:19:01] I think I meant second company, actually.

3 A. [12:19:13] Currently, the second company is in Treichville in Abidjan, and the
4 commander is Captain Yéo.

5 Q. [12:19:52] And which part of the country does he come from?

6 A. [12:19:54] From the north.

7 Q. [12:20:02] And who is the head of the squadron at Cocody?

8 A. [12:20:22] The squadron is no longer in existence, for the simple reason that after
9 the shelling of 4 April 2011, I no longer have any armoured vehicles, so there is no
10 longer any armoured squadron within the Republican Guard at the present time.

11 Q. [12:20:53] And what about the fourth company at Cocody, does that still exist?

12 A. [12:21:10] Thank you, Counsel. The fourth company has been moved to the
13 Plateau, so it is a sub-groupement where the first company is located.

14 Q. [12:21:33] And who is the head of operations?

15 A. [12:21:59] The head of operations currently is Captain Kouadio Kouassi.

16 Q. [12:22:13] And which part of the country does he come from?

17 A. [12:22:15] He comes from central Côte d'Ivoire.

18 Q. [12:22:28] And who is the head of the second groupement at Yamoussoukro?

19 A. [12:22:44] It is major Sidibet Samba.

20 Q. [12:22:56] And what is his ethnic group?

21 A. [12:22:58] He is of mixed ethnicity, Akan and Mande.

22 Q. [12:23:23] So if someone were to say to you that he was Malinké, that would be
23 wrong, would it?

24 A. [12:23:30] No, it is not wrong. I was talking of groups. And in the groups you
25 have ethnic --

1 Q. I understand. Thank you.

2 A. -- ethnicities including Malinké.

3 Q. [12:23:50] When did Sidibet Samba begin working with the Republican Guard?

4 A. [12:24:27] Major Sidibet joined the Republican Guard before me, so I found him
5 already at the Republican Guard. This means that it was General Dogbo Blé who
6 had asked him to be transferred to the Republican Guard. I joined in 2004, and he
7 had joined before me, but I do not know precisely when. What is certain is that he
8 came there before me, that is before 2004.

9 Q. [12:25:26] And what was his position within the Republican Guard when you
10 knew him?

11 A. [12:25:31] He was the commander of the first company at the Plateau.

12 Q. [12:25:48] You are asked by the Prosecutor about individuals who you saw at
13 your camp who you had not seen before, and in your statement to the Prosecution on
14 the same subject, at CIV-OTP-0057-1444, and the number for the statement as a whole
15 is CIV-OTP-0057-1430, you said the following. I'll put the question that was put to
16 you first and then I'll put what was said to you, so I'm quoting in French.

17 MR GARCIA: [12:28:03] I'm sorry, can we have the exact line number? I'm not sure
18 if you've given that yet.

19 MR O'SHEA: [12:28:09] It's 508, Mr Garcia.

20 MR GARCIA: [12:28:16] Thank you.

21 MR O'SHEA: [12:28:19] So I quote in French: (Interpretation) "Very well. So, you
22 saw these young people who were not your elements who were speaking English or a
23 vernacular from the west. Which month was it, if you remember?"

24 (Speaks English) And you answered: (Interpretation)

25 "No, it was simply within that period, even in April, early April or at the end of

1 March."

2 (Speaks English) So can you just confirm that that's correct, that you saw these
3 individuals at the beginning of April or at the end of March?

4 A. [12:29:33] Towards the end of March.

5 Q. [12:29:42] And was this just before the bombing of your barracks?

6 A. [12:29:57] That is correct.

7 Q. [12:30:02] And the recruitment that you were speaking about, was that around
8 the same time?

9 A. [12:30:34] I said that it was in the month of December that this recruitment took
10 place.

11 Q. [12:30:56] The recruits that we're talking about there, are they in the army
12 today?

13 A. [12:31:05] Yes, indeed, these recruits are in the army today, because at the end of
14 their training they were able to obtain a diploma, and they were then taken into
15 service because they had a service number.

16 Q. [12:31:38] Now, would it be right that your corps, the Republican Guard, you
17 said during evidence that you have to act fast and furiously. So would it be right
18 that from the point of view of the head of the Republican Guard, in a time of crisis he
19 has to sometimes do things a little differently from the way they are normally done?

20 MR GARCIA: [12:32:42] I object, your Honour. That calls for -- that's very highly
21 speculative actually.

22 PRESIDING JUDGE TARFUSSER: [12:32:47] It's very similar as the question the
23 Defence opposed this morning. It's very speculative.

24 MR O'SHEA: [12:32:56] Well, your Honour uses the word "Defence". There are two
25 teams here.

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- 1 PRESIDING JUDGE TARFUSSER: [12:33:01] Yes.
- 2 MR O'SHEA: [12:33:01] And the objection came from another team.
- 3 PRESIDING JUDGE TARFUSSER: [12:33:04] That's why I said "Defence" in order
- 4 not to.
- 5 MR O'SHEA: [12:33:06] Yes.
- 6 PRESIDING JUDGE TARFUSSER: [12:33:07] I generalise because I couldn't
- 7 remember who it was.
- 8 MR O'SHEA: [12:33:10] And I recall, with the greatest of respect in saying this, that
- 9 your Honour's comment was that, to Mr Garcia, if you want to put to the witness
- 10 what normally happens, that's okay.
- 11 PRESIDING JUDGE TARFUSSER: [12:33:24] Yes. No, no, I didn't say "normally".
- 12 MR O'SHEA: [12:33:27] Yes.
- 13 PRESIDING JUDGE TARFUSSER: [12:33:28] That's what I didn't like, is their use of
- 14 the term "normally."
- 15 MR O'SHEA: [12:33:34] Yes.
- 16 PRESIDING JUDGE TARFUSSER: [12:33:35] I think if you try to reformulate.
- 17 MR O'SHEA: [12:33:37] I'll rephrase.
- 18 PRESIDING JUDGE TARFUSSER: [12:33:39] Rephrase the question. Thank you.
- 19 MR O'SHEA: [12:33:41]
- 20 Q. [12:33:42] You have explained in your evidence how procedures -- what
- 21 procedures are followed when there is not a crisis in the country. Would you accept
- 22 that in a time of crisis these procedures cannot be always followed with rigour?
- 23 MR GARCIA: [12:34:26] I object to that question, your Honour. First of all, it's very
- 24 general, very broad.
- 25 PRESIDING JUDGE TARFUSSER: [12:34:31] No.

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1 MR GARCIA: [12:34:32] And it's speculative as well. And I don't understand what
2 the purpose of the question is. Is the witness supposed to answer in his point of
3 view or the view or somebody else? Who are we speaking about? The question is
4 very unclear. I don't see how the witness could answer that.

5 PRESIDING JUDGE TARFUSSER: [12:34:45] Where the question could be: were
6 these procedures always followed also in the crisis period?

7 THE WITNESS: [12:34:58] (Interpretation) Thank you, Mr President. Whether it
8 be a time of crisis or not, the up-to-date procedure needs to be followed because the
9 general staff is in place, and it needs to sponsor this training. And in the instant case
10 the recruits were sent, as I said a little earlier, by contacts, if you like. Because
11 Colonel Aby said that he was sending two of his proteges for the training, and there is
12 a list that comes from the general staff to say here are the elements that -- here are the
13 list of elements who should be receiving training. So these elements were gathered
14 together. And when we see the location at which they were gathered together,
15 which was at the Palais de la Culture, whilst there was a barracks, then we can see
16 that the procedure was violated, because generally speaking the general staff was in
17 charge of this before making this training become a reality. That's what I have to say,
18 Mr President.

19 PRESIDING JUDGE TARFUSSER: [12:36:27] Thank you.
20 Mr O'Shea.

21 MR O'SHEA: [12:36:31] Thank you, Mr President.

22 Q. [12:36:32] In terms of procedure, it was perfectly within the domain of General
23 Dogbo Blé to decide which officers would be in command with respect to specific
24 missions or tasks. Would you accept that?

25 A. [12:37:13] Yes, in the context of our missions within the Republican Guard.

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- 1 Q. [12:37:26] It was within his prerogative to appoint Captain Blé as being the
2 officer in charge of a specific recruitment, that was within his prerogative, was it not?
- 3 A. [12:38:00] Yes, indeed, as the commanding officer, it was he who had this power
4 of decision.
- 5 Q. [12:38:17] And recruitment was not specifically part of your functions?
- 6 A. [12:38:43] It is not that it was not a part of my functions, but it was the general
7 staff that generally is in charge of recruitment.
- 8 Q. [12:38:52] And between 2004 and this recruitment that you have been referring
9 to, can you confirm that there was no other recruitment within the Republican Guard
10 as far as you know?
- 11 A. [12:39:18] No, there was no recruitment. However, there were assignments of
12 military, of soldiers coming from other units. As I said, the Republican Guard is an
13 inter-corps unit, and the assignments, these are soldiers in action who are seconded.
14 So in the case of recruits, that is people who have never been in the army, once they
15 are recruited and once they have completed the general basic training, then after they
16 complete it, then they are able to join.
- 17 Q. [12:40:13] The country was effectively in a state of civil war at that time, wasn't
18 it?
- 19 A. [12:40:27] Well, you are the one saying that.
- 20 Q. [12:40:44] I wasn't there. Is that right or not?
- 21 MR GARCIA: [12:40:46] Can we just be precise as to what time Defence counsel is
22 referring to? That might help.
- 23 MR O'SHEA: [12:40:53] I just did.
- 24 PRESIDING JUDGE TARFUSSER: [12:40:54] Excuse me, what do you mean about
25 civil war? I mean, the concept of civil war is quite a vague one. I mean, could be

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1 legally, sociologically. I mean, what do you mean by civil war?

2 MR O'SHEA: [12:41:10] Well, it has a specific meaning in law that I expect a military
3 man to know, but I'll put it in a different way.

4 MR GARCIA: [12:41:18] Could we also have the time frame that you're referring to
5 so that the witness can understand the question fully and can respond to it?

6 MR O'SHEA: [12:41:25] I just have.

7 MR GARCIA: [12:41:28] I don't see that on the record.

8 MR O'SHEA: [12:41:32] And I'm sorry about that, Mr Garcia.

9 Q. [12:41:44] So at this time, is it not right that there was civil conflict within Ivory
10 Coast? There was a rebellion going on?

11 MR GARCIA: [12:42:06] I'm sorry, your Honours, to disrupt once again, but I've
12 looked at the record --

13 PRESIDING JUDGE TARFUSSER: I don't see --

14 MR GARCIA: -- and I can't see any time frame. If you are going to ask a question
15 of this nature to the witness, to be fair to him, he has to know when you're speaking.

16 PRESIDING JUDGE TARFUSSER: [12:42:20] Yes, okay, okay, Mr Garcia. Please,
17 the tone, the tone, a little bit. Just we should be a little bit more gentle and calm
18 down.

19 So just if you could indicate the time frame to which you are referring to. Thank
20 you.

21 MR O'SHEA: [12:42:35] Yes. I'd appreciate it if my learned friend addresses the
22 Bench and not me.

23 But the time frame I'm talking about is the time frame I've been talking about for the
24 last 10 minutes, which is the time when there was recruitment going on that this
25 witness had said during the Prosecution evidence that he was not informed of when it

1 started.

2 PRESIDING JUDGE TARFUSSER: [12:43:01] No. Also it's sometimes better to
3 repeat this also for the record in order to, so it is more easy to read in the future. I'm
4 always very concerned about that.

5 MR O'SHEA: [12:43:11] Yes.

6 PRESIDING JUDGE TARFUSSER: [12:43:12] But please go ahead.

7 MR O'SHEA: [12:43:13] Yes. Point taken, your Honour.

8 Q. [12:43:17] You may need me to repeat the question, I don't know. Would you
9 like me to repeat the question? And hopefully I can get an answer.

10 A. [12:43:29] Yes, indeed.

11 Q. [12:43:33] So at the time we're talking about, there was a rebellion going on in
12 Ivory Coast. Do you accept that?

13 A. [12:43:47] Yes, since 2002 there had been a rebellion, but there were a number of
14 conflicts, and we had come at a given moment in time to the creation of an integrated
15 command centre that integrated both armies.

16 And after the second round of the elections, on 2 December 2010 there was the
17 announcement of President ADO, and on 3 December President Gbagbo was claimed
18 the victor, and on the 4th there was the oath ceremony. And the country was in
19 quite a complex situation. I wouldn't talk about civil war, but rather I would say
20 that there was a great deal of tension.

21 Q. [12:45:12] Well, it's for the very reason that there were these extreme tensions
22 that the CPCO was established; is that not right?

23 A. [12:45:30] The CPCO was not created as a result of the tension. The CPCO, the
24 planning and coordination service is part of a normal service within a general staff
25 structure, and it plays a role during a period of crisis. So it wasn't created especially

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1 for that.

2 Q. [12:46:06] Well, it was a period of crisis and it was playing its role, wasn't it?

3 A. [12:46:12] Yes, well, that's what I'm saying. What I'm saying is that we didn't
4 need to have a crisis to put it in place. It was in existence, and during the crisis it
5 had a role to play.

6 Q. [12:46:30] So the General Dogbo Blé, in making a decision about recruitment, he
7 would have consulted with other officers within the CPCO; would that be right?

8 PRESIDING JUDGE TARFUSSER: [12:47:33] Well, how can he know what another
9 person would have done?

10 MR O'SHEA: [12:47:38] Well, in terms of, in terms of what one would have expected
11 procedurally with a CPCO in place.

12 PRESIDING JUDGE TARFUSSER: [12:47:47] Was this the procedure? There was a
13 procedure I think --

14 MR O'SHEA: [12:47:52] It would be procedurally the position that he would consult
15 with the CPCO on questions of recruitment.

16 THE WITNESS: [12:48:11] (Interpretation) Thank you, counsel. It was not the
17 role of the CPCO. The CPCO plans operations, and the recruitment is under the
18 instruction office of the general staff. So these are two different things.

19 MR O'SHEA: [12:48:33]

20 Q. [12:48:33] Yes, Witness, I understand that. But in order to have operations, you
21 need manpower and resources. So if there was a shortage of manpower in terms of
22 what was needed to confront the situation at the time, this is normally something that
23 would have been raised at the CPCO; or do you disagree with that?

24 A. [12:49:10] I do not agree with you. I do not share your point of view. I said,
25 and I shall repeat myself, the CPCO as its name indicates is the planning and

1 coordination of operation centre and not the planning centre for manpower. There is
2 the staffing office that manages staffing. And it could be that in view of the crisis,
3 the general was of the opinion that his manpower was insufficient, and at that
4 moment in time he can then consult the general staff, under which the Republican
5 Guard falls, and air the problem with the chief of general staff and not with the CPCO.
6 And that is why I say, counsel, that it was not the CPCO that manages the issue of
7 manpower.

8 Q. [12:50:10] So, effectively, it would not surprise you if officers within the CPCO
9 themselves knew nothing about this recruitment?

10 MR GARCIA: [12:50:29] I object, your Honour. I don't see how the witness can
11 respond to that question.

12 PRESIDING JUDGE TARFUSSER: [12:50:33] Well, I don't know if he can respond.
13 I think it's all hypothetical. I think there is no real question to the point on the
14 factual basis behind this question. I think he should have an opinion about
15 something could have happened if a situation was in a certain manner. I think it's
16 really speculative.

17 MR O'SHEA: [12:51:04] Well, I'd really like the answer to this question, your
18 Honour, in the light of the questions I'm going to follow up with. If I may have leave
19 to have answer to that question?

20 PRESIDING JUDGE TARFUSSER: [12:51:15] Yes, if the witness can give an answer
21 to this question, please do so.

22 (The witness confers with his counsel)

23 PRESIDING JUDGE TARFUSSER: [12:51:40] Maître.

24 MR KAREMBE: [12:51:41] (Interpretation) Thank you, Mr President. With regard
25 to this question, my client is of the opinion that he cannot answer this. This is a

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1 personal viewpoint and he cannot answer this question. Thank you.

2 MR O'SHEA: [12:52:00]

3 Q. [12:52:01] Would it have surprised you at the time if none of the officers within
4 the CPCO except for General Dogbo Blé knew about the recruitment? Would that
5 have surprised you at the time?

6 MR GARCIA: [12:52:18] Prosecution objects again to this question. It's even
7 broader than the last question that was posed, and the witness is unable to answer
8 that kind of question. It's highly speculative.

9 PRESIDING JUDGE TARFUSSER: [12:52:28] The problem is did you know, had this
10 surprised you, not would it have surprised if.

11 MR O'SHEA: [12:52:38] I think I said "Did it surprise you."

12 PRESIDING JUDGE TARFUSSER: [12:52:41] Yes, would it have surprised you I
13 think was the -- would it have surprised you at the time if one -- if none of the officers
14 within the CPCO except for General Dogbo Blé knew about the recruitment?

15 MR O'SHEA: [12:52:59] All right.

16 PRESIDING JUDGE TARFUSSER: [12:53:00] He should now go back and say: If I
17 had known, it would have surprised me or not. I mean --

18 MR O'SHEA: [12:53:07] All right, all right, your Honour.

19 MR GARCIA: [12:53:08] Your Honour, it would also --

20 PRESIDING JUDGE TARFUSSER: [12:53:09] No, no.

21 MR GARCIA: Yes.

22 PRESIDING JUDGE TARFUSSER: It's enough.

23 MR O'SHEA: [12:53:10] No, no problem. I'll put the question in that way, if I didn't
24 put it in that way.

25 PRESIDING JUDGE TARFUSSER: [12:53:15] You didn't.

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1 MR O'SHEA: [12:53:19]

2 Q. [12:53:20] Did it surprise you that officers within the CPCO did not know about
3 the recruitment?

4 MR GARCIA: [12:53:34] Your Honour, I have to object once again.

5 PRESIDING JUDGE TARFUSSER: [12:53:36] No, no, no. It's not an objection,
6 because he can answer to this question in one or the other way. But if you now
7 object, I think we are going to influence the --

8 MR GARCIA: [12:53:47] If I may, your Honour, just for the record so the record can
9 be clear. I've objected on a couple of occasions because a question is too broad and
10 speculative.

11 But there is also another reason which is quite important, it presupposes, in the
12 question there is a presupposing that these people didn't know about it. There is
13 many problems with this question.

14 PRESIDING JUDGE TARFUSSER: [12:54:04] Yes, and this was the point I was going
15 to -- I feared that you are making because this is somehow going to --

16 MR GARCIA: [12:54:17] I'm not touching upon the substance. I'm just saying that
17 the question as it's posed --

18 PRESIDING JUDGE TARFUSSER: [12:54:21] Now it's on the record.

19 MR GARCIA: [12:54:22] It's on the record. This is my objection to it.

20 PRESIDING JUDGE TARFUSSER: Okay.

21 MR O'SHEA: [12:54:26] Well, actually, I sort of agree with Mr Garcia, your Honour.
22 That's why I phrased the question the way I did. You see, certain -- I don't want to
23 go into too much detail, because otherwise I'll have to ask for the witness to go out,
24 but --

25 PRESIDING JUDGE TARFUSSER: [12:54:43] No. But I think we should just

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1 continue with the questioning, otherwise we are now commenting on the objection of
2 Mr Garcia and what the Presiding Judge said. I think we should just go on with the
3 questioning. We are close to the break also, so if we can close with these arguments.
4 Thank you.

5 MR O'SHEA: [12:55:07]

6 Q. [12:55:08] So if the CPCO officers did not know about the recruitment,
7 procedurally there would be nothing wrong with that; is that right?

8 A. [12:55:18] I shall say what I think again. The CPCO is the chief of the general
9 staff, and the General Dogbo Blé is at the Republican Guard. So they're not in the
10 same geographical area. The CPCO officers manage all that is planning of
11 operations. And we would be in a case where an operation coming under the
12 general's staff and we were not in the know, then I would say yes. But we're not in
13 such a case here.

14 The office of the CPCO manage operations. They do not manage recruitment. And
15 they might be surprised because, as I said, the recruitment did not follow the legal
16 route, and I was surprised because I did not see a message coming from the general
17 staff announcing this training, and that is how I expressed my surprise in the
18 presence of Colonel Aby when he called me.

19 MR O'SHEA: [12:56:50] I'll just finish with this before we break, with your Honour's
20 leave.

21 Q. [12:56:55] Yes, so the element of legality -- illegality rather, the element of
22 illegality is not receiving the document, but the fact that General Dogbo Blé appointed
23 Captain Blé to be in charge of recruitment, there is nothing wrong with that
24 procedurally, is there? That's not illegal?

25 A. [12:57:22] I would say what I think, that with the Republican Guard, General

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1 Dogbo Blé is the chief, and as such he is in charge of meting out tasks. But as far as
2 training is concerned, it should have the approval of the chief of general staff, who
3 should send us in the form of a message telling us that recruitment is ongoing and
4 also with the state or the description of the recruits, which was not the case.

5 Q. And my last question on this point before the break --

6 PRESIDING JUDGE TARFUSSER: Microphone.

7 MR O'SHEA: [12:58:20] Sorry.

8 Q. My last question on this point before the break, since it was not part of your
9 function to deal with recruitment, there was nothing illegal about the fact that you did
10 not know about the recruitment from the beginning, nothing illegal in terms of
11 military procedures?

12 A. [12:58:49] I say that this was not in keeping with legal procedure. The general
13 staff doesn't necessarily have to ask me for my opinion before conducting a
14 recruitment. The general staff informs me of the facts. That's what I'm talking
15 about.

16 MR O'SHEA: [12:59:28] I'm sorry. Yes, so that's that on that little convoluted aspect
17 of things.

18 PRESIDING JUDGE TARFUSSER: [12:59:34] Yes. Now I have a last question
19 because I think, and if I'm not mistaken it was not asked in clear terms at least, my
20 question is the follows: Your position today and since I think May 2011, is it the
21 same position with the same responsibilities which had General Blé?

22 THE WITNESS: [13:00:08] Oui.

23 PRESIDING JUDGE TARFUSSER: [13:00:10] Well, is it the same?

24 THE WITNESS: [13:00:13] (Interpretation) Yes, that is correct.

25 PRESIDING JUDGE TARFUSSER: [13:00:15] I ask this because you are a colonel and

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1 he was a general.

2 THE WITNESS: [13:00:22] (Interpretation) That is correct.

3 PRESIDING JUDGE TARFUSSER: [13:00:26] So thank you very much.

4 Now we break for lunch and we resume at 2.30. Thank you.

5 The hearing is adjourned.

6 THE COURT USHER: [13:00:34] All rise.

7 (Recess taken at 1 p.m.)

8 (Upon resuming in open session at 2.35 p.m.)

9 THE COURT USHER: [14:35:06] All rise.

10 Please be seated.

11 PRESIDING JUDGE TARFUSSER: [14:35:37] Well, good afternoon. I would

12 immediately give the floor to Mr O'Shea for the continuing of his examination of the
13 witness.

14 MR O'SHEA: [14:35:49] Thank you, your Honours.

15 Q. Colonel, I hope you had a good lunch.

16 A. [14:35:58] Yes, thank you.

17 Q. [14:36:05] Now, just to stay for a moment on the aspect of recruitment, is it right
18 that, given what you've been saying, you did not in fact know a lot about the details
19 of this recruitment? Does that follow?

20 A. [14:36:33] Yes, the recruitment itself, I was not involved in its organisation.

21 Q. [14:36:54] So in fact you could not be sure at the time as to whether these were
22 recruits which were brought directly into the Republican Guard or whether they were
23 being recruited into the army and then the Republican Guard? You couldn't be sure
24 of that, could you?

25 A. [14:37:19] Yes. I have already said that these recruitments were trained in the

1 training centre at Akakro, and at the end of their training I was the one who presided
2 over their proclamation results, and after that they were all assigned to the
3 Republican Guard.

4 Q. [14:37:57] What I am suggesting as a possibility here is I don't -- I don't dispute
5 that you were involved at the end of the process, but what I'm suggesting as
6 a possibility here is that the initial recruitment process procedurally involved them
7 being brought into the army and by that path into the Garde Républicaine, albeit
8 within a very short time frame, of course.

9 A. [14:38:34] No. As far as I am concerned, I reiterate that these recruits arrived in
10 civilian attire to go and undergo training in Akakro. Now, Counsel, if you see
11 civilians arrive and they are taken to Akakro and you think that they are coming from
12 the army, well, that is your opinion, but as far as I am concerned, I did not see them
13 come from there, and there was no message informing us that they were already
14 soldiers, because when you talk of recruits, it means that they are not yet soldiers. It
15 is after recruitment and training and after they have received a service number that
16 they are considered members of the army.

17 Q. I fully understand that this is how --

18 PRESIDING JUDGE TARFUSSER: [14:39:46] Can you please also wait until the
19 translation is finished. Thank you.

20 MR O'SHEA: [14:39:53]

21 Q. [14:39:55] I fully understand that this is how the process is. But what I'm
22 suggesting in effect is, because of the situation in the country at the time, sometimes
23 things needed to be fast tracked. I am not suggesting that the men that you saw in
24 civilian clothes were already soldiers in the army. What I'm suggesting is that the
25 process may have been to bring them into the army and effectively the guard

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1 republican almost simultaneously because of the situation at the time.

2 A. [14:40:48] Thank you, Counsel. I cannot say that affirmation is correct.

3 I believe I have explained myself sufficiently and I have nothing to add.

4 Q. [14:41:01] Let me show you a document please.

5 PRESIDING JUDGE TARFUSSER: [14:41:03] Again.

6 MR O'SHEA: [14:41:05] I was watching the light on the translator's.

7 PRESIDING JUDGE TARFUSSER: [14:41:09] You can see that there is no question
8 written, yeah?

9 MR O'SHEA: [14:41:14] Maybe I'm being translated from behind.

10 PRESIDING JUDGE TARFUSSER: [14:41:18] No, but it is not written.

11 MR O'SHEA: [14:41:20] I normally look at the light up there, but it could be
12 someone is translating behind me, I hadn't thought of that possibility.

13 Q. [14:41:31] So the document I want to show you is CIV-OTP-0048-1109. And
14 unless anyone objects, this is public.

15 MR GARCIA: [14:41:57] Can we have the tab for that document?

16 MR O'SHEA: [14:42:02] 18. If by "tab" you mean the number on the Defence
17 document, it's 18.

18 Q. Yes, is that sufficiently clear for you to see it, or do you want it enlarged a bit?

19 A. [14:42:56] It's okay, I can see it.

20 Q. [14:43:05] Have you -- well, you said that you had not experienced recruitment
21 since 2004. So I suppose I should start by asking, since 2004, had you seen any
22 documents relating to recruitment before?

23 A. [14:43:27] I have said that ever since 2004, there were no recruitments in the
24 Republican Guard, the only recruitments that took place were in December 2010.

25 Q. [14:43:42] And the dates which are marked at the top of this document, 22 to

1 23 December 2010, do those dates more or less correspond with the dates you're
2 thinking of?

3 A. [14:44:03] Thank you, Counsel. I would like to make a brief observation.

4 Q. [14:44:11] Before you do, perhaps you can answer and then you can follow up
5 with a petit remark.

6 I don't think there is any need for an objection here. I have asked a question, and
7 I am just asking the witness to perhaps answer my question first, and then he can add
8 his remark. No need for an objection on this.

9 MR GARCIA: [14:44:27] Actually, your Honour, I'll decide if there is a need for an
10 objection.

11 MR N'DRY: Monsieur le Président, Monsieur le Président, s'il vous plaît.

12 PRESIDING JUDGE TARFUSSER: [14:44:31] No, no. Well, a little bit of --

13 MR GARCIA: If Defence counsel still wants to --

14 PRESIDING JUDGE TARFUSSER: [14:44:37] A little bit of order, please.

15 It was Mr O'Shea who said something, then you stood up. I want to avoid
16 absolutely that whatever is said in here is influencing also the -- so if it is technical, it
17 is one thing. If it is in the merit, we have to decide, and every one of you will take
18 responsibility of this.

19 Okay. Now, Mr Garcia.

20 MR GARCIA: [14:45:10] Just simply, your Honour, the witness was about to explain
21 something before answering the question. I'd ask that the witness be allowed to
22 explain himself if need be. We have to be fair with the witness.

23 I understand that Mr O'Shea would like to respond to the question, but it is practice
24 and common practice to allow the witness to explain himself if he finds the need for
25 it.

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1 PRESIDING JUDGE TARFUSSER: [14:45:32] The witness will have all the time to
2 explain himself and he's given all the time to explain himself. The witness can
3 explain himself whenever he wants and say what he thinks is right to say.

4 And you will have in the re-examination the time eventually to come back to the
5 issues which you think were not expressed properly and completely by the witness.
6 Yes, Counsel, please. Yes.

7 MR KAREMBE: [14:45:59] (Interpretation) Mr President, what my client would like
8 to make is a clarification about the document being displayed. I agree with
9 the Prosecutor, so it is necessary that he says what he thinks about the document
10 before answering the question.

11 PRESIDING JUDGE TARFUSSER: [14:46:24] I will give him this opportunity as soon
12 as I have heard Maître N'Dry.

13 Did you want to continue? Maître N'Dry, you were on your feet.

14 MR N'DRY: [14:46:36] Yes, your Honour, it was precisely what you have said
15 regarding the intervention of the Prosecutor.

16 PRESIDING JUDGE TARFUSSER: [14:46:48] Thank you very much.

17 Now, Mr Witness, if you want to make a clarification, please do so.

18 THE WITNESS: [14:46:59] (Interpretation) Thank you, Mr President. I simply want
19 to say that this document which is in front of me does not seem to be authentic. It
20 has not been authentifié. There is no seal, no stamp, nothing.

21 So this is a document that anybody could have prepared.

22 MR O'SHEA: [14:47:26] Okay.

23 PRESIDING JUDGE TARFUSSER: [14:47:28] Of course, of course. But this is
24 something we have to decide. It is your comment, but it's something we have to
25 decide.

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1 The floor is yours, Mr O'Shea.

2 MR O'SHEA: [14:47:38]

3 Q. Okay. Thank you very much for that legal submission, Witness.

4 I just want to ask you, the dates which are mentioned there, 22 to 23 December 2010,
5 do those dates correspond with the time that you have been telling us about
6 recruitment?

7 A. [14:48:03] Yes.

8 Q. [14:48:07] And just to come back to your remark a moment ago, the Prosecution
9 has informed the Defence that this document was found at the état-major. Does that
10 surprise you?

11 A. [14:48:48] Which état-major, the Republican Guard or the general staff?

12 Q. [14:48:56] General.

13 MR GARCIA: [14:48:58] I'm sorry to disrupt this, but I would just like to know from
14 Defence counsel where is that information exactly, on what document? Because I am
15 looking at the chain of custody right now of the document, and I don't see that.

16 Just so we can be clear so I can look at the -- just so the witness is not misled
17 accidentally. I'm looking at the chain of custody, I see something else on it. That's
18 why I'm asking. I have no idea where you are getting the information.

19 MR O'SHEA: [14:49:27] All right. Well --

20 (Defence counsel confer)

21 MR O'SHEA: So for Mr Garcia's benefit, since he is not aware of this, the statement
22 which I made comes out of the document with the reference CIV-OTP-0051-0166,
23 which is a Prosecution document. It's a document which was shown to this witness
24 during the interviews by the Prosecutor's investigators. And it is a document which
25 has been referred to by the Prosecution in its list of documents.

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1 MR GARCIA: [14:51:13] I understand that, your Honours. But I'm looking at the
2 chain of custody of the document, and the information that has been stated by
3 Maître O'Shea as to its provenance does not correspond with what I have before me.
4 That's my issue.

5 MR O'SHEA: [14:51:28] Well, we'll pull out the Prosecution document that I have
6 referred to in good time, and then I will -- I will come back to that issue, with
7 your Honour's leave.

8 PRESIDING JUDGE TARFUSSER: [14:51:41] Please go ahead.

9 MR O'SHEA: [14:51:43]

10 Q. [14:51:43] So I'll just leave aside for the moment of where the document comes
11 from, Mr Witness, just in case I am misleading you, but on instructions I'm not.
12 Is there anything else on this document, apart from the absence of a stamp, which
13 troubles you?

14 A. [14:52:36] No.

15 Q. [14:52:40] And it says at the top (Interpretation) "FANCI recruitment first wave
16 from 22 to 23 December 2010 Akakro."

17 Is there any reason why that statement that it is recruitment to the FANCI might not
18 be correct?

19 A. [14:53:17] Well, FANCI recruitment, yes, these were the national armed forces,
20 so it was the training of recruits that had to take place in Akakro, so that title is
21 normal. I have no remarks to make about that.

22 Q. [14:53:57] And the reference that it says on the bottom section of the table, where
23 it says, 188 (Interpretation) "including two deserters, so the final number is 186."
24 (Speaks English) Did you, did you hear of the fact that among the recruits there were
25 those who deserted?

1 A. [14:54:39] Yes. Some of them deserted during the training.

2 Q. [14:54:50] If I can just show you one more document on this topic, it's

3 CIV-OTP-0048-0330. And again, save for any objections, this is public.

4 It's 148, Mr Garcia.

5 If we could go to the second page of this document, please, and if we could just scroll

6 up to the -- or scroll down to the signature, rather. I don't expect that you

7 necessarily know this signature, but just in case you do, do you recognise the

8 signature?

9 A. [14:56:35] Yes.

10 Q. [14:56:35] And who does the signature belong to?

11 A. [14:56:42] It is a signature of the chief of general staff, General Philippe Mangou.

12 Q. [14:56:58] And if we now scroll to the top of the document, it says, "Message

13 from CEMA." C-E-M-A, what's that?

14 A. [14:57:20] Chief of general army staff.

15 Q. [14:57:22] "/CPCO" which we discussed earlier today, and then "To:

16 MINIDEF," what is MINIDEF?

17 A. [14:57:38] Ministry of Defence.

18 Q. [14:57:40] And it states that the object is the position de recrues (Interpretation)

19 position of the recruits.

20 (Speaks English) And then the text states: (Interpretation) "In accordance to the

21 message reference, we have the honour to inform you: Primo: Saturday,

22 8 January 2011 at the COMTHEATRE coming from the training centre of the

23 Republican Guard of Akakro, Bingerville, 140 recruitments of the 2010-2011 batch out

24 of a total number of 150."

25 And then it points out that some did not arrive for health reasons and then gives

1 a short list. Is there any comment that you, Mr Witness, would like to add in relation
2 to this document?

3 A. [14:58:58] Thank you. In relation to this document, it shows that it is a general
4 staff that confirmed or authorised that training in Akakro. And coming back to what
5 I said a short while ago, when this recruitment was initiated, well, afterwards it is
6 possible to catch up, but when it was initiated, I had not been informed of that.
7 And the proof is that, for such a message, the recruits should have been gathered at
8 a known location and not at a location which is not official. This is my first
9 objection.

10 So after that, a long time after that, the situation was regularised. So after that I
11 knew there was training, and the proof is that I was the one who presided over the
12 proclamation of results, and then these young people were given service numbers
13 and integrated into the Republican Guard. That is what I want to say.

14 Q. [15:00:33] Now, in the period that we're -- if we stay within this period of
15 December, around the period of the recruitment, but moving on a more general level,
16 would it be fair to say that insofar as the relationship between General Dogbo Blé and
17 yourself, that you were not associated with certain decisions made by him, but you
18 were associated with some?

19 A. [15:01:27] I'd like to specify that, regarding the initial organisation of this
20 training period, I was not informed. The proof of that is when Colonel Aby called
21 me to tell me that he was sending two young recruits, that is when I learned that there
22 had been training or that training was being considered.

23 Now, if this message had been prepared earlier for me, naturally I would have not
24 been surprised. But I was surprised because I had not yet received this message.
25 And so once having called General Dogbo Blé to ask him whether indeed training

1 was supposed to be held, and as I said he said to me that he was going to revert to me,
2 and that was when Commander Kipré told me that they had issued the order to the
3 captain, Captain Blé Urbain not to inform me. So that was the moment in time when
4 I learned that there was training underway.

5 Q. [15:03:09] Now, moving away from recruitment specifically and trying to focus
6 on the question that I am putting, would it be right or would it be a fair thing to say
7 with regard to your relationship with the general at that time that he associated you
8 with respect to some decisions, but he did not associate you with some others? In
9 other words, you weren't excluded from everything, some decisions you were
10 informed of, you knew about, some you didn't. Would that be a fair description of
11 the situation?

12 A. [15:04:13] Yes, that would be an accurate description of what happened at the
13 time.

14 Q. [15:04:23] And from a military and chain of command perspective, that is the
15 prerogative of the head of the corps; isn't it?

16 A. [15:04:44] Yes.

17 Q. [15:04:54] Now, you have spoken about things which were said by the general
18 in relation to soldiers who tried to flee. If you are a soldier, obviously within the
19 context we are talking about, you're in a camp, it's a time of crisis, you're a soldier and
20 you flee, that is or was at the time, was it not, a serious dereliction of duty and
21 possibly even a crime?

22 A. [15:06:10] Thank you, Counsel. I did not say that soldiers had left the camp in
23 this area. You see, a situation occurred whereby I myself gave the order to my
24 driver to take me to a safe place along with my computer and other personal items.
25 And I was at the camp at my position, at my position, and the driver was not able to

1 carry out the mission and he came back. And when he came back, a few seconds
2 later, shortly thereafter, I saw General Dogbo Blé get out of a tank that he left behind
3 in Treichville.
4 And when he arrived, we went to my office and I explained what I have just told you.
5 And then we went to the area where the soldiers were gathered, and he allowed the
6 soldiers to speak and they said, "General, some officers want to flee."
7 And the general said, and I reiterate what he said, "If you see an officer fleeing, you
8 shoot him down."
9 And then after that he corrected himself, he said, "No, no. You tie him up and you
10 bring him back."
11 And then he said, "No, don't actually tie him up, catch him and you call me."
12 So that was the context, you see.
13 Q. [15:09:05] And did I understand you correctly to be saying during your
14 evidence-in-chief that after the general left, that you spoke to the men yourself and, as
15 it were, tried to counterbalance these words? Did I understand you correctly?
16 A. [15:09:37] I did not try to contradict that. Rather, I tried to explain to the
17 soldiers that it was not in our interest to deviate from our mission. We needed to
18 stand strong together, because if we were to remain there with that sort of
19 atmosphere, we might miss the target, so to speak.
20 And I was the commander of the groupement. I was there, I was remaining in my
21 position and, as I said, I did remain right to the end. And it was only when my
22 direct supervisor said that the fighting was over and that President Gbagbo had
23 recognised the victory of President Alassane, and it was only then, that was the
24 moment when I left the ship.
25 Q. [15:10:55] You see, you've explained how information can be transmitted from

1 your men towards superior officers. And from a strictly military point of view, if the
2 general comes and gives a speech to his soldiers, and then immediately after that you
3 speak to the same soldiers in a slightly different way, could that not have been
4 viewed by your superior as a form of insubordination?

5 PRESIDING JUDGE TARFUSSER: [15:11:49] Yes, but here we are again. How can
6 he know what his -- I think we are always far away from facts, what I consider to be
7 facts.

8 MR O'SHEA: [15:12:06] Well, the purpose of the exercise is to try and determine
9 what the facts are, but in the context, because certain things have been said during the
10 course of the examination-in-chief to create certain impressions about what was going
11 on at the time.

12 And I'll say this in front of the witness, the impression that the Prosecution has been
13 hammering is that everything was about ethnicity. And what I am trying to do is to
14 broaden the picture and to, through this witness, provide other explanations.

15 PRESIDING JUDGE TARFUSSER: [15:12:58] I do understand. But not with
16 impressions he has, but with facts he can give to the Chamber.

17 MR O'SHEA: [15:13:13] Yes, your Honour. I'll move on. But I'm asking him in his
18 capacity as a senior soldier about how that situation could have been viewed by his
19 superiors. If your Honour thinks that is not a legitimate question, then I will accept
20 that.

21 PRESIDING JUDGE TARFUSSER: [15:13:37] Well, I think he cannot go into the head
22 of his superiors and make them here think instead of them. That's what I think, so.

23 MR O'SHEA: [15:13:49] He can't go into their head, but he is a soldier.

24 PRESIDING JUDGE TARFUSSER: [15:13:53] It's a speculation in any case. It's
25 speculation.

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1 MR O'SHEA: [15:13:55] Yes, very well. Very well.

2 Q. [15:14:01] Now, one of the things that the general said was that there was the
3 possibility of men, soldiers, being persuaded by people outside the camp to
4 effectively turn away from their positions as soldiers towards the opposition. This is
5 something you explained in answer to questions from the Prosecution counsel. And
6 you said that you were not aware of such situations. But in your position as
7 a soldier in that environment, did you, when the general said that, did you see that as
8 a legitimate concern or not?

9 PRESIDING JUDGE TARFUSSER: [15:15:40] Yes, please.

10 MR KAREMBE: [15:15:42] Your Honour, I would suggest to my learned friends that
11 he asks questions having to do with the events. He is really asking for something
12 entirely different in relation to earlier questions which my client has answered.
13 I think he would do better to ask my client what happened.

14 PRESIDING JUDGE TARFUSSER: [15:16:11] Thank you.

15 Yes, in this case, in this case the question was about what the witness himself thought
16 and experienced, so I think it is legitimate. It's not legitimate if the witness should
17 guess about what another person thinks.

18 So please, Maître O'Shea, go ahead.

19 MR O'SHEA: [15:16:37] Yes, thank you, Mr President. Of course, we always have
20 to be conscious of the role of the additional lawyer in the courtroom. I understand
21 that he is acting in the best interests of his client. However, he doesn't have rights of
22 audience as such, only to a limited extent on the leave of the Chamber.

23 PRESIDING JUDGE TARFUSSER: [15:17:02] That is exactly correct.

24 MR O'SHEA: [15:17:05] Yes.

25 Q. [15:17:08] Now, you said that you presided over the -- I don't know if I should

1 call it ceremony -- where the new recruits were given their certificates for having
2 completed their training. And was it -- it was, as I understand it, General Dogbo Blé
3 who asked you to fulfil that function, was it?

4 A. [15:18:03] Yes, I was the only officer -- well, the highest ranked officer. So it
5 really was my -- I was asked to do that. I didn't award any certificates. The
6 certificates came later. But the whole point was to have these new soldiers
7 recognised. So he asked me to oversee the ceremony at which the results were
8 announced.

9 Q. [15:18:40] And to a certain extent, that role is an honour; isn't it?

10 A. [15:19:00] Thank you, Counsel. I didn't really see it that way. It is not an
11 honour. It's a normal thing to do. I was the most -- well, the officer with the most
12 seniority, and so in a military context that is what is done. So I -- I was just doing my
13 work, my job.

14 Q. [15:19:33] And having given you that task, the reality is that General Dogbo Blé
15 took no steps to remove you from your position until the very end, did he?

16 A. [15:20:01] Yes.

17 Q. [15:20:09] So your statement that he lost confidence in you is nothing more than
18 an impression on your part, is it?

19 A. [15:20:44] Thank you, Counsel. Perhaps I didn't express myself very well at
20 that point. But I wasn't the one who said that. It was said in his presence by Kipré,
21 he was there. So it's not something that I made up, I am just repeating something
22 that I heard in his presence.

23 Q. [15:21:15] And that notwithstanding, the reality was that the general continued
24 to place confidence in you at the time, didn't he?

25 MR GARCIA: [15:21:40] Your Honour, I'm going to object to that question. It's

1 argumentative. I feel the witness has already answered the previous question,
2 which was along the same lines.

3 PRESIDING JUDGE TARFUSSER: [15:21:50] Well, let him please answer. But
4 I think you are making clear things what we know exactly where you are going, so.

5 MR O'SHEA: [15:22:01] Well, we have a record, so it's good to keep the record clear.

6 PRESIDING JUDGE TARFUSSER: [15:22:05] Yeah, yeah. But the record is clear, I
7 would say. The only thing is the evaluation, one is the fact, the other is then the
8 evaluation of it, but that is for the future.

9 MR O'SHEA: [15:22:27] Yes.

10 Q. But this is the fact, and the fact I'm asking is that at the time, the reality is that
11 General Dogbo Blé continued to have confidence in you despite what was said on that
12 occasion; is that right? It's a fact I'm putting to you.

13 A. [15:22:59] Thank you, Counsel. That's what you say. What I'm saying is that
14 up until the time that I heard that remark, the crisis of the confidence referred to by
15 Commander Kipré, up until that time I thought that he had confidence in me. But
16 once I heard that remark, to my mind, there was a crisis. There was no longer any
17 trust, and to my mind things had changed.

18 MR O'SHEA: [15:24:36] If your Honour can just indulge me for one second.

19 PRESIDING JUDGE TARFUSSER: [15:24:43] There were already a few.

20 MR O'SHEA: [15:25:44]

21 Q. [15:25:44] Can I know, what is your ethnicity?

22 I'm sorry, your Honour.

23 PRESIDING JUDGE TARFUSSER: [15:25:52] This is also on the record already
24 because he said that, one of the first things he answered, questions to which he
25 answered.

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1 MR O'SHEA: [15:26:06]

2 Q. [15:26:06] Yes, could you just repeat what your ethnicity is?

3 A. [15:26:13] I am an Appolo person.

4 Q. [15:26:21] And in terms of the makeup of ethnicity, does that belong to another
5 group or do you belong to a subdivision of that group?

6 A. [15:26:43] It is an ethnic group that is part of the Akan group, and that includes
7 the Baoulés, Apollo, Abbey, Attié, Abouré, and various groups, ethnic groups that
8 make up this larger primary group.

9 Q. [15:27:22] Now, if I can just ask you about certain other individuals in the
10 Republican Guard, Captain Lori Syapa (phon) was the officier adjoint to the fourth
11 company at Cocody, correct?

12 A. [15:27:56] Correct.

13 Q. [15:27:57] And what was his ethnicity?

14 A. [15:28:03] He is from the west part of the country, Wobé, Yacouba, Guéré,
15 perhaps another group, but he is from the west.

16 Q. [15:28:19] And then the commandant de la premier company au Plateau,
17 Capitaine Sidibet Samba.

18 Yes, yes, you have, forgive me.

19 PRESIDING JUDGE TARFUSSER: [15:28:45] May I tell you, Maître Karembe, yes --

20 MR KAREMBE: [15:28:51] I believe that my learned friend has understood. The
21 question was already put and answered yesterday. It was asked and answered.
22 My client --

23 PRESIDING JUDGE TARFUSSER: [15:29:02] Yes. But let me say, let me say
24 something. You are here as counsel for the witness for the matter of

25 self-incrimination, not generally speaking as his souffleur or whatever, counsel for

1 everything. Just in case of, no, just in case of if it arises a problem of
2 self-incrimination. So I would like to ask you not to intervene in the question.
3 Thank you.
4 Tell me, please. Yes, tell me.
5 MR KAREMBE: [15:29:41] (Interpretation) I have understood, but I am not
6 whispering lines to my client. At times he needs to speak to me. And merely if
7 these are questions that are coming back constantly, he may become rather fatigued,
8 and that is why I am doing what I am doing.
9 PRESIDING JUDGE TARFUSSER: [15:30:05] I do know, but this is not your task.
10 This is not your task in here. So please, he can speak with you, but refrain from
11 addressing the Chamber on things which are not related to self-incrimination issues.
12 Maître N'Dry.
13 MR N'DRY: [15:30:24] (Interpretation) If you don't mind, your Honour, just one
14 moment, just one moment. If we could go into private session for one moment.
15 Just one moment, your Honour.
16 PRESIDING JUDGE TARFUSSER: [15:30:37] Can we please go into private session,
17 thank you.
18 (Private session at 3.30 p.m.)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Open session at 3.34 p.m.)

5 THE COURT OFFICER: [15:35:01] We're in open session, your Honour.

6 PRESIDING JUDGE TARFUSSER: [15:35:04] Thank you.

7 Who is it? Mr O'Shea.

8 MR O'SHEA: [15:35:11] Thank you, your Honours.

9 Q. [15:35:14] Maître, for what it is worth, it was a legitimate point, and the reason,
10 the reason I did it is because before I was dealing with the hierarchy now, and now
11 I'm dealing with the hierarchy at another time. So sometimes it's difficult to
12 remember when you're dealing with people who have been in the hierarchy the
13 whole time.

14 Let me ask you about your adjutant at the time, Bédé Koffi, what was his ethnicity or
15 where was he from?

16 A. [15:36:02] He is an Abbey from Agboville.

17 Q. [15:36:15] And the direction du commissaire, Lieutenant Kouassi Toussaint?

18 A. [15:36:45] Kouassi Toussaint, I'm not sure whether that is the correct name,
19 I don't think it is Toussaint Kouassi.

20 Q. [15:36:59] I will spell it and see if that makes any difference. Kouassi is spelt
21 K-O-U-A-S-S-I and Toussaint is spelt T-O-U-S-S-A-I-N-T.

22 A. [15:37:19] There was a certain Kouassi with me in Treichville and this was
23 Kouassi Rodrigue, but Kouassi Toussaint does not ring a bell.

24 Q. [15:37:38] What was the ethnic background of Kouassi Rodrigue?

25 A. [15:37:45] He was a Bété.

1 Q. [15:37:55] Now, is it right that during the events, during the period of the crisis,
2 you never had any meetings with the president of the republic, did you?

3 A. [15:38:27] No, I never had a meeting with the president of the republic.

4 Q. [15:38:38] And so far as relations between the general and the president, you
5 were very far away from all that, weren't you, because you were based at Treichville?

6 A. [15:38:54] That is correct. Regarding the relations with the president of the
7 republic, it so happened that one day I asked the general because, given that I was
8 working for the president of the republic, it was necessary for the president to know
9 his officers. And this is what he told me. He was not there to introduce us to the
10 president of the republic. We were simply there to do our work.
11 So I stood at attention, and I went back to my place. So he was the authority, the
12 military commander of the palace, the commander of the Republican Guard, so he
13 was the leading authority, the first interlocutor of the president of the republic, so that
14 was quite logical that this person should be him and not me.

15 Q. [15:40:37] Now, in terms of those soldiers under your command, you had
16 spoken about certain kinds of behaviour which were inappropriate, but would it be
17 right that it's not everyone under your command who was behaving inappropriately?
18 It was effectively one or two people, right?

19 A. [15:41:25] Not all elements behaved in that way, but there were more than two.

20 Q. [15:41:31] What do you mean by "more than two"?

21 A. [15:41:51] At least five, six, ten. That is what I mean. So it was not a small
22 number. If it had only been two people, that would not have been too significant.
23 So there were more than that who were behaving in that manner.

24 Q. [15:42:13] Now in your -- when you were being interviewed by the
25 Office of the Prosecutor, and I'm referring to the interview with the number

1 CIV-OTP-0057-1430, at page CIV-OTP-0057-1447, you said the following, and I quote
2 in French: (Interpretation) "I am saying that when -- as soon as he arrived, there was
3 one or two soldiers, as soon as he arrived there were one or two soldiers from the
4 Presidential Guard who behaved in a certain way. They maltreated them. So when
5 I saw that I put an end to the show."

6 (Speaks English) And effectively, is it the position that there were certain soldiers
7 who stepped out of line, but when they did step out of line, you stopped them?

8 A. [15:43:48] I did not arrest soldiers. I simply said that I made them stop what
9 they were doing to those young people who had been brought back after their patrols.
10 And those young people were sent to the police prefecture or to the brigade de
11 recherche.

12 Q. [15:44:45] And again, because we were dealing with a situation of conflict, in
13 a situation of conflict, it was the General Dogbo Blé who had a, if I can say, primary
14 responsibility with respect to questions of punishment, right?

15 A. [15:45:11] Not exactly. The sanctions are in various stages depending on the
16 rank of the soldiers. But the general was at the very highest level when it came to
17 punishment. That's it.

18 Q. [15:45:35] And I think you said that there was someone specific who was
19 charged with the question of discipline. I'm trying to remember if you said Jean Luc
20 Kouamé or Jean Aby. Who was the superior who was in charge of questions of
21 discipline?

22 A. [15:46:12] For the entire Republican Guard, it is the deputy commander who is
23 responsible for the discipline of the corps. Now, in each company there is someone
24 responsible, so commander Kouamé Bi was commander of the fourth company and
25 also commander of the squadron of the Republican Guard.

1 Q. [15:46:48] And in your statement to the Office of the Prosecutor, at 0057-1448,
2 you stated, and I quote: (Interpretation) "No, but I want to say that you should not
3 continue doing certain things, because if you do certain things and the chief finds out
4 that truly and openly you are not of his opinion or philosophy, I do not know what
5 would happen, and this includes my life and my security, so I'm someone who thinks.
6 As you know some things are best left unsaid. That is the truth, I wanted to say that
7 I could not do anything that could turn around and harm me. So that was my
8 philosophy." (Speaks English) So when you made the decision that you would stop
9 soldiers from doing what they were not supposed to be doing but you would not take
10 things further in terms of discipline,
11 That was based, was it not, upon a reflection exclusively on your part? You had
12 thought about it and you had drawn conclusions; is that right? This is fact.
13 MR GARCIA: [15:48:58] (Interpretation) Objection. It is lines 666 and the following
14 lines that have been read out. But you have to read out all the excerpt to put the
15 context to the witness, and they begin on line 553. So if the witness is given the
16 context, that is good, but otherwise it would be misleading him.
17 MR O'SHEA: [15:49:34] Well, no. And my learned friend is welcome to read out all
18 the other bits of the statement later if he wishes.
19 But I'm focusing on certain words, Mr Witness, I'm focusing on the words, the way
20 you say, and I quote: (Interpretation)
21 "I'm someone who thinks, you know."
22 And when you say: (Interpretation) "You are not of his opinion." And when you say:
23 (Interpretation) "I do not know what may happen."
24 So this is what you have said, these are the words you have used to describe your
25 state of mind at the time. So when you -- when you decided not to take the

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1 disciplinary matters further, that was based on conclusions which you had reached
2 after reflecting upon it. That's right, isn't it?

3 MR GARCIA: [15:50:29] Your Honour, I'm not sure if there has been a decision on
4 my last objection, but when we read the transcript we understand why exactly he
5 didn't go further with it. I'm not going to spell it out, but it's there. And if we are
6 going to be just concentrating on one portion, then that's misleading the witness.

7 PRESIDING JUDGE TARFUSSER: [15:50:49] Yes, but if the witness at that time said
8 that -- the truth, then he should also know now what he said at that time and repeat it.
9 So I would say that he is able to, to respond or he asks, he can ask to be read out the
10 whole part.

11 MR O'SHEA: [15:51:09] Can I just say that what my friend is referring to, he said all
12 this in evidence, he said, you know, the facts --

13 PRESIDING JUDGE TARFUSSER: [15:51:17] Yes, I do, I have understood, I have
14 understood that.

15 MR O'SHEA: Yes.

16 PRESIDING JUDGE TARFUSSER: That is why I said that if he had said this already
17 he is probably in the position to -- and be able to answer this question.

18 So are you able to answer this question, which refers to your statement given to
19 the Prosecutor, to the Office of the Prosecutor?

20 THE WITNESS: [15:51:38] (Interpretation) Thank you, Mr President. But I would
21 have my memory jogged if I can see that text that was mentioned by the Prosecutor.
22 That may help me to answer the question.

23 MR O'SHEA: [15:52:03] Well I don't want to be unfair to you, sir, so -- so, no
24 difficulty, it can be put on the screen. And I read out from line 666 to line 672. And
25 my question is premised upon your statements within that paragraph where you say:

1 (Interpretation) "I do not know what may happen."

2 And when you say: (Interpretation) "I'm someone who reasons." (Speaks English) So
3 my question to you is, based upon the words that you used there, is it right that
4 essentially what's happened here is that you thought about, at the time, you thought
5 about what could be the consequences of you dealing with disciplinary matters in
6 a certain way and have yourself concluded that it wouldn't be wise to go beyond
7 a certain line; is that fair?

8 A. [15:53:16] Thank you, Counsel. Let me elaborate. As you have said, quite
9 correctly, this was a special situation, an exceptional situation. And given that I had
10 been the victim of the conduct of my superior, general Dogbo Blé, and also basing
11 myself on the fact that he could actually squash any decision that I took, given that I
12 knew him, I knew what type of commander he was. And that is why I said that I
13 preferred not to take any decisions in relation to what I said.

14 MR O'SHEA: [15:54:32] Your Honour, I am about to embark on another topic. I can
15 say that in terms of the topics that I will be dealing with, I don't think that I will be
16 longer than half an hour on Monday.

17 PRESIDING JUDGE TARFUSSER: [15:54:51] On Monday.

18 MR O'SHEA: [15:54:52] On Monday. And then I understand that Maître Altit may
19 come in on other issues. So that's where we are at this point in time.

20 PRESIDING JUDGE TARFUSSER: [15:55:02] That's a good moment to stop. I think
21 we had a long week and a full week. Now we break and go to Monday at 9.30.

22 Have a good weekend, Mr Witness. The weather --

23 THE WITNESS: [15:55:27] (Interpretation) Yes, thank you, Mr President.

24 PRESIDING JUDGE TARFUSSER: [15:55:29] -- seems to remain as it is. The
25 hearing is adjourned to Monday, 9.30. Thank you very much.

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- 1 THE COURT USHER: [15:55:34] All rise.
- 2 (The hearing ends in open session at 3.55 p.m.)